

# **SELECTIVE IMMIGRATION LEGISLATION**

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## **HEARINGS**

BEFORE THE

### **COMMITTEE ON IMMIGRATION UNITED STATES SENATE**

SIXTY-EIGHTH CONGRESS

FIRST SESSION

ON

### **S. 2365 and S. 2576**

A BILL TO LIMIT THE IMMIGRATION OF ALIENS  
INTO THE UNITED STATES, AND TO PROVIDE A  
SYSTEM OF SELECTION IN CONNECTION THERE-  
WITH, AND FOR OTHER PURPOSES

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FEBRUARY 13, 14, 20, 21, MARCH 8, 13, 14  
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## SELECTIVE IMMIGRATION LEGISLATION

WEDNESDAY, FEBRUARY 13, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
Washington, D. C. 2

The committee met, pursuant to call of the chairman, in the committee room, Capitol, at 10 o'clock a. m., Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, Shields, and Copeland.

The committee had under consideration S. 2365 and S. 2576, bills to limit the immigration of aliens into the United States, and to provide a system of selection in connection therewith, and for other purposes.

The CHAIRMAN. The committee will come to order. There is a quorum present. We have with us the Secretary of Labor, Mr. Davis.

### STATEMENT OF HON. JAMES J. DAVIS, SECRETARY OF LABOR

The CHAIRMAN. Mr. Davis, the committee is very desirous of hearing you on the general subject of immigration, and especially with regard to the features embodied in the Watson bill, which, as we understand, represents a good many things which you favor along the lines of immigration. We would be very glad to have you make a general statement.

Secretary DAVIS. Is Mr. Watson going to be here?

The CHAIRMAN. I think not.

Secretary DAVIS. I wonder if we could not ask him to?

Senator REED. He is not in town, I believe.

The CHAIRMAN. Mr. Davis, the committee is aware that you have paid great attention to this subject of immigration, not only from a theoretical standpoint, but also from a practical standpoint in the administration of the law; and the chairman is aware that you have formulated your ideas in the shape of proposed legislation, and that those ideas have been largely expressed in the bill which is now known as the Watson bill, which was introduced by Senator Moses. We understand that as to the suggestions of quota you make no recommendation, believing that that is within the province of Congress entirely.

Senator KING. I did not understand that he made no recommendation or that he had no views upon that subject.

The CHAIRMAN. He did not make any positive recommendations on the subject of quota. That statement was made by Senator Moses when he introduced the bill.

Mr. Secretary, if you would state, in a general way, both with regard to certificate selection at the source and also, having fixed somewhat of a nonelastic quota basis, whatever that basis may be, how far the law, in your opinion, should be made flexible in order to meet the question of relatives, in order to meet the question of skilled and unskilled labor, and in order to meet the question of seasonable labor, the committee would be glad to hear you.

Secretary DAVIS. Mr. Chairman, my point on the immigration certificate probably is not so different from the others as set forth in the Watson bill. My thought about it is that our immigration certificates should be issued by the consul himself. That is, if a man desires to come to this country, and we follow the present plan, he proceeds to his government for a passport to leave for the United States. My plan would be that he would go first to the American consul and secure his certificate. After he has secured his certificate he would then proceed, if it is necessary, to his government to get a passport to permit him to go to the United States. I reverse the order. I put the granting of the certificate in the consul's hands first, rather than give it to that particular government. Then you find out whether he is eligible to come to the United States. As it is, a man desiring to come to the United States presents himself to his government and if he is a good, big, strong, healthy man, and would be a real addition to the country they have the right to refuse him a passport.

Senator KING. They would have that right, however, if you reverse it.

Secretary DAVIS. They would have that right then, too, but if we should find that they were really refusing good, strong, healthy men to come to this country, we have the right under this particular bill to shut off immigration from that particular country. That is the penalty they suffer in refusing to let their strong men and women come to this country. For instance, if a country has a quota, we give preference to the husband and wife and the children of the parties here. In some of these countries they refuse to give passports to the women and children to come, because a charge is made against their quota. They give them to workmen to come to this country to work in order that they may remit money to support their families in that particular country.

For instance, a high officer of one of the countries in Europe said that his Government was interested in immigration to give us only the old men and the rubbish. Another was interested in getting rid of some four hundred thousand refugees from Russia; they were not interested at all in giving us their own men; and that is where I got the idea of reversing the order of the certificate, because I found in those working districts of the several countries that I visited thousands of men who were desirous of coming to this country. The order of business ought to be changed; a man ought to have the right to go to the American consul, and then, if his government refuses him a passport to come to the country, we would know it and we could shut off immigration to stop this dumping of the undesirables of Europe into America. That is the difference between the certificate that I suggest and the certificate that is offered in these other bills.

Senator REED. Would you require a visé to be made in addition to your certificate?

Secretary DAVIS. I would charge a ten dollar fee. That is sufficient for him after he secures his passport. I understand that there is some objection on the part of some of the countries that they travel through that the passport is not viséed, but nearly all of these countries have a port to which the emigrants can go direct without leaving their own country. I would not charge anything for the visé.

Senator REED. You might as well combine the visé function with the certificate function.

Secretary DAVIS. That is my opinion. His certificate is viséed. He uses the passport to get out of his own country.

Senator KING. If your plan prevails you would have the applicant, after he has obtained his passport from his own government, report back to the consular officer who has given him the certificate?

Secretary DAVIS. If he wants to do so, he can; but it is not necessary. He has his certificate and that serves as the visé.

Senator KING. It seems to me that if the government rejected the applicant the American consular officer from whom he had obtained the certificate ought to be advised of that fact.

Secretary DAVIS. Oh, yes.

Senator KING. It was for that reason that I made the inquiry. If your plan did not contemplate information it may be conveyed by the applicant whether accepted or rejected by his own government.

Secretary DAVIS. These regulations are made, under the bill, by the Commissioner General of Immigration with the approval of the Secretary and the Department of State, and he could exact of him if he were refused a passport that he come back and notify the officer.

Senator HARRISON. It would be necessary to keep some tabulation upon it for you or some limitation upon the quota, but it would not be necessary if you did not have a quota limitation. For instance, your consul in that particular country would not know when you had reached the limit unless he had reported back that this fellow was going across.

The CHAIRMAN. Do you suppose that the foreign governments would cooperate with us in issuing passports?

Secretary DAVIS. They do not know what to do with their population, Senator. Take it in Great Britain alone, and this illustration applies to all other countries. I make it Great Britain because I was born there myself and I can not offend anybody. Take the population in Great Britain now. They lost 900,000 men during the war. They have increased that population since the war by more than a million and they are adding to their population every year more than a quarter of a million. They have to have an outlet for their population. If you shut off immigration from those countries you will have a revolution in some of them.

The CHAIRMAN. Will you explain in a word again just the advantage of applying to the consul first for the certificate before the applicant gets his passport?

Secretary DAVIS. Let me make this illustration by using myself as Exhibit A. I am a European. I desire to come to America. As it is now I must proceed to my government for a passport. I would make it that I would go to the American consular officer. That is the natural place for me to go. I have America in my mind.

I go to the American consular officer and tell him that I want to go to America. He presents me this certificate which has to be filled out. The American consular officer can say, "I want a medical certificate. I want to know what the health conditions of your family are. I want to know something about you. I want to know all about you." He has these many questions that he propounds to me. I satisfy the American consular officer that I am fit and that my family that I expect to take with me, or that will come later after I have earned money in this country to send for them, is also fit. Now, the consular officer is perfectly satisfied that there is a wholesome family and he grants the certificate. Then I proceed with that certificate to my own government and ask the officer for a passport to go to America. In some of the countries they might refuse and we would find that they were refusing me a passport. Then we would have the power under this particular bill to shut off immigration from that country.

The CHAIRMAN. In the Johnson bill the emigrant must prepare a petition which sets forth in great detail certain facts, and upon that petition the consul issues the certificate which sets forth in less detail certain facts. Would you have those facts which the emigrant must state in the form of a petition? Or would you have those regulations laid down by the Department of Labor? Or would you have them in the form of the Johnson bill, which states specifically the facts which must be set out and sworn to by the emigrant? Your bill provides that it should be under regulations; does it not?

Secretary DAVIS. Yes.

The CHAIRMAN. Your bill does not set out any details?

Secretary DAVIS. I think it sets out part of it.

The CHAIRMAN. I thought it left it general.

Secretary DAVIS. But to let general rules and regulations be made by the Commissioner General of Immigration with the approval of the Secretary of Labor.

The CHAIRMAN. To follow out your illustration, if you are in Italy and you want to come to America and you go to the consul and want to get a certificate, is the consul going to trust to your word, etc.?

Secretary DAVIS. Well, the consul has all of the machinery. There are truly some honest men in that particular country where he can get this information.

The CHAIRMAN. What must the emigrant do to get his certificate under your proposal?

Secretary DAVIS. He must comply with the rules and regulations set forth.

The CHAIRMAN. Those rules and regulations would not be statutory but would be the rules and regulations as set forth by the department?

Secretary DAVIS. Yes.

Senator KING. They could be statutory and you have authority to supplement them, but the authority to supplement would not give you the right to contravene the statutory provision.

Secretary DAVIS. That is right.

Senator HARRISON. You really think, then, that it is better to leave it with the Department of Labor with respect to rules and regulations than to statutory requirements?

Secretary DAVIS. I should think so.

Senator HARRISON. That looks all right while you are Secretary of Labor, Mr. Davis, but somebody else might get in there and have different views.

Secretary DAVIS. I have that question put to me practically every day. As I see it now with the many organizations, with the interests that we have in immigration at this time, a man that did other than right in that office would be practically—well, he would be ostracized, because I really believe right now that if the matter were put to a referendum vote of the people of this country, rather than have it go on as it is, they would vote for total exclusion.

Senator HARRISON. I think you are right on that point.

Senator KING. You would not object, Mr. Secretary, to a bill containing statutory requirements?

Secretary DAVIS. No; I have no objection to that.

Senator KING. Indeed, would it not be wise that certain statements should be made or certain qualifications should be set forth which must be met by the applicant and then give to the department authority, perhaps, to supplement but not repeal or modify the congressional requirements or qualifications?

Secretary DAVIS. I would have no objection to that. I have reached this position—I just want to answer you about the percentage—with all this opposition that we have from foreign countries and all this talk about discrimination and this great army of people that are trying to prevent any legislation, I have really reached this conclusion in immigration: That I would adopt something similar to the Canadian law and I would just have this special immigration certificate. I would have the joining together of families under that special immigration certificate; I would furnish such labor as is needed in the country, both skilled and common, and I believe I have reached the point when I would make it a real business proposition.

Take the overdevelopment in industry. Senator Reed is more familiar with it than I, although I have worked in it since a boy 8 years of age. I have seen this army come and go. I have seen towns go from English-speaking to a foreign language in a night, so to speak. With the production you have in the steel business now you can produce all the steel we need in seven or eight months. We have got machinery here for the manufacture of shoes. We can make 735,000,000 pairs of shoes a year and we can use up about 350,000,000. There is but six months' work in the window-glass industry; but six months' work yearly in the textile industry, and I might continue down to our retail business. For every manufacturing concern we have two or three wholesale houses. For every wholesale house we have just so many retail concerns, and we have so many of these now that one concern serves about 350 people. The whole country is overdeveloped. Now, I am just expressing myself as I feel about it. I have reached the point where I believe I would go along with a special immigration certificate and give to the country just exactly what it needed.

This bill of Senator Watson provides that the percentage limitation should be extended to Canada and Mexico. That is right. It is the most absurd, it is the most asinine, policy I know of, gentlemen, to lock this front door over here in Europe and open the back door to Mexico. Sixty-three thousand Mexicans came in last year

that we know of. God knows how many came illegally over the border. There is no way to find out.

Senator KING. Do not most of them return to Mexico?

Secretary DAVIS. It does not look as though they are returning when the largest item of expense of the New Mexico Legislature is for interpreters and translators. It does not look like it to-day when you have trial by jury there, and need interpreters in a large number of cases to interpret the evidence to the jurors. It does not look like it to-day when they are bringing them by trainloads and assigning them all over this country.

Is it not better to get down to a sensible program, as we argued out with the representatives of organized labor in my office for five hours? Is it not better to furnish the skilled mechanics needed in this country and furnish people easy for us to assimilate? Because, how are we going to keep the mechanics at work if we do not have common labor? Now, to satisfy all of these European governments who say we discriminate against them, why not just adopt a policy of total exclusion for everybody and have an immigration policy that would give just what we need? Furnish farm hands, furnish domestics, furnish skilled labor, and furnish common labor. That is the point I am coming to, Senator.

Senator KING. That would mean, then, Federal supervision and a Federal mobilizing office or a Federal reporting office to whom everybody would report that needed the labor, skilled or unskilled?

Secretary DAVIS. I would say go to the office of the Secretary of Labor. It is to the interest of the skilled and the organized worker to have common labor in this country.

Senator KING. Does the Watson bill, so called, which I understand has been drawn by your office, comprehend the scheme which you have spoken of?

Secretary DAVIS. It has a special immigration certificate, because under the Watson bill here he has 12 installments; that is, one-twelfth of the quota comes each month, and it provides, first, for women and children.

Senator KING. But does that bill comprehend your plan?

Secretary DAVIS. Yes; it has part of it. It has the special immigration certificate.

Senator REED. It does more than that; it gives you power to shut off immigration entirely or to increase the admissions.

Secretary DAVIS. Yes; with the special immigration certificate, Senator. It also provides that when you have five or six million men out of work, such as we had here in 1921, the President of the United States has the power to shut off all immigration or such immigration as he feels is right; that is, upon the certificate of the Secretary of Commerce and the Secretary of Labor that such conditions exist.

The CHAIRMAN. Mr. Secretary, your fundamental proposition rather agrees with the policy of the Canadian Government, that immigration should be in the hands of a commission or board, whether you, or you in combination with others.

Secretary DAVIS. I do not know whether there should be created a special commission or not. I do not think I agree with that.

The CHAIRMAN. We must deal with the environment and present conditions. Do you think Congress at the present time would be

willing to delegate power to regulate immigration, as Canada does, to a commission in some form?

Secretary DAVIS. I can not answer that. I am not sufficiently acquainted with all the Members of Congress to answer that.

The CHAIRMAN. Then, if we eliminate that, we come to the combination of quota with flexibility lodged in your department, etc. The Watson bill presents a numerical quota which absolutely limits the number, whatever that percentage might be. Then you combine with that your special certificate, but the power to issue your special certificate under certain regulation is lodged with you, is it not?

Secretary DAVIS. Yes; it is lodged with the Secretary.

The CHAIRMAN. In that way you get what you want; that is, you get what I call flexibility. On grounds of humanity you would admit wives and children, if you please. Upon economic grounds you could issue these special certificates, under proper regulation, for skilled or unskilled labor. Upon proper representations you could issue certificates for seasonable labor from Mexico or from Canada. So that your bill combines a numerical quota limiting the number with that power lodged in the Secretary of flexibility on grounds of humanity and on economic grounds. Is that your proposition?

Secretary DAVIS. That is practically it.

Senator REED. You have power to say that all immigration should be suspended?

Secretary DAVIS. No; under this Watson bill there is a percentage limitation that comes in. You legislate for that, but in the special immigration certificate you lodge power with the Secretary of Labor after a hearing to admit such labor, skilled or otherwise, that is necessary for the country, and you also bring here under that particular certificate the joining together of families. It is under the special immigration certificate.

Senator HARRISON. What is the limitation in the Watson bill? What is the quota?

Secretary DAVIS. It is 2 per cent of 1910.

Senator HARRISON. Then in addition to that?

Secretary DAVIS. In addition to that he has this special immigration certificate.

Senator HARRISON. This special immigration certificate applies within the quota?

Secretary DAVIS. No; it is in addition to the quota.

Senator HARRISON. What objection have you to the certificate?

Secretary DAVIS. That limits you to the number of men you need in the country.

Senator HARRISON. Yes; but your consular agent takes these people that comply with the certificate requirement, and are you not more liable to get a better class of people if you have a proposition to apply within the quota instead of beyond the quota?

Secretary DAVIS. You can limit the number to come in if you wish with this special immigration certificate.

Senator REED. On page 12, Mr. Secretary, of the Watson bill, I notice there is a power there in the President to suspend immigration from all or any countries at any time that unemployment exists. Now, when you read that in connection with power to issue special immigration certificates, is not that the same thing as turning over

to the President the power to legislate as to how many people shall come in from any country in any year? Is it not a roundabout way of saying that the President shall have the power of Congress to fix the amount of immigration?

Secretary DAVIS. No; under section 15 in the Watson bill the President can suspend immigration only when the Secretary of Labor and the Secretary of Commerce shall jointly certify that unemployment exists in the continental United States or in specified territory. He has power to suspend, and then when we resume a normal condition in the United States he has power to admit that number that the law permits.

Senator KING. Notwithstanding the provision there for a quota, he might suspend the quota if, say, on the 1st day of February for a given year a certificate were filed by the two Cabinet officers of whom you speak that there was an overamount of labor and it would be to our economic disadvantage to permit any more to come in. He could then suspend the operation of the quota law and keep that suspended until the 31st day of December, unless in the meantime he received another certificate from the two Cabinet officers that the surplus had ceased.

Secretary DAVIS. Yes.

Senator HARRISON. What do you do, so far as the 2 per cent quota in the Watson bill is concerned, toward making selection at the source?

Secretary DAVIS. You have the selection at the source with this immigration certificate.

Senator HARRISON. Yes; but I understood that was to apply only after you reached your 2 per cent quota.

Secretary DAVIS. Yes.

Senator HARRISON. Now, what do you do toward making selection at the source of those who come within the 2 per cent quota?

Secretary DAVIS. By having an immigration certificate, and the consular officer makes the selection.

Senator KING. You subject whatever percentage we agree upon as the quota to the same certificate procedure to which you referred a moment ago; that is, the applicant would first go to the American consul and then go to his government to obtain his passport?

Secretary DAVIS. Yes; for those coming under the percentage there are preferences:

In the issuance of immigration certificates preference shall be given in the following order: To the husband, wife, unmarried children under 18 years.

Senator COPELAND. Excuse me a moment. Why do you say 18 years? It is in all the early bills. Is that the reason you put it in?

Secretary DAVIS. No. Here is a man with his family, and usually when a minor is over 18 years of age he is able to take care of himself. You would not want him to bring his family in if he were 50 years of age.

Senator COPELAND. No; but how about 21?

Senator KING. How about a girl?

Senator COPELAND. How about unmarried children under 21, the same as we would have in our country?

Secretary DAVIS. It seems to me that they start earlier on the other side to take care of themselves than they do on this side.



Senator COPELAND. Well, they are coming over to conform to our customs. I would like to inquire how often that question has come up. Perhaps Major Curran can answer the question. How often do we have children over 18 and under 21 to deal with?

Mr. CURRAN. Very seldom in my experience. I do not remember a single case. I would dispute as to their being between 18 and 21. Usually the minor children are under 18.

Secretary DAVIS. You know it says here, too, Senator, unmarried children under 18.

Senator COPELAND. They might be unmarried and be 20. What does Secretary White say about it?

Mr. WHITE. We have a great many cases in immigration as a whole where the question arises of a child over 18 and under 21. The question of age is a very usual one.

Senator COPELAND. Is there any objection to making it 21?

Senator KING. You increase the number of the given family and to that extent you restrict the number of other families.

Senator COPELAND. You keep the family together.

Senator HARRISON. Mr. Chairman, perhaps Mr. Husband can throw some light on that. He appeared on these other bills with regard to that matter.

The CHAIRMAN. It is a detail that we can deal with. It runs through all these bills.

Senator COPELAND. You know, I am always suspicious of anything that always runs. The saying, "As it was in the beginning, is now, and ever shall be," never appeals to me when applied to official acts. I have known of some instances where there were children past 18. It seems to be very cruel to admit the father and mother and two or three young children and then exclude a girl of 20 or 19.

Secretary DAVIS. You have under the special immigration certificate a provision that would enable you to take care of that.

Senator COPELAND. That is in the Watson bill?

Secretary DAVIS. Yes.

Senator COPELAND. Where is it?

Secretary DAVIS. The special immigration certificate is at page 6 of the Watson bill.

The CHAIRMAN. Mr. Secretary, with regard to your special immigration certificate as distinguished from your regular certificate, may I ask this question: Your special immigration certificate, over which the Secretary of Labor would have a good deal of power, is made by a citizen of the United States if he pleases to petition you?

Secretary DAVIS. Yes.

The CHAIRMAN. He petitions you. Now, is the issuance of the special immigration certificate surrounded by the same safeguards as to selection at the source as is the regular immigration certificate?

Secretary DAVIS. Yes; the same thing.

The CHAIRMAN. The same conditions and regulations, etc.?

Secretary DAVIS. Yes.

The CHAIRMAN. So you would have selection at the source with regard to the special immigration certificate upon the same lines that you have your regular immigration certificate?

Secretary DAVIS. Yes.

Senator HARRISON. May I ask you, before you proceed, Mr. Secretary: You have had this idea up with the State Department of consular agents being under the State Department. Is there any conflict there?

Secretary DAVIS. The consular officers are here and they can speak for themselves. Of course, you will have some objections from some of these European governments, and that is why I made the statement I did just a moment ago.

Senator HARRISON. I am not speaking of the European governments; I am speaking of our own State Department, whether or not they can see any friction that would attach to this procedure.

Secretary DAVIS. I do not know of any objections to the issuance of these special immigration certificates.

Senator HARRISON. How does the Johnson bill differ from this Watson bill with respect to these special certificates and this selection at the source?

Secretary DAVIS. The Johnson bill provides, if I remember correctly, that the certificate is issued after the passport is obtained. Under the Watson bill the certificate is issued first and he gets his passport afterwards.

Senator HARRISON. That is the only difference?

Secretary DAVIS. I think that is the only difference.

Senator REED. The Johnson bill provides for nonquota immigrants. It gives a list of the immigrants who will not be included in the quota, such as students in colleges, universities, etc.

Secretary DAVIS. Yes; Mr. Johnson limits his special immigration certificate to the skilled worker. He does not provide for the common laborer to come through.

Senator REED. Under the Johnson bill the quota is inflexible?

Secretary DAVIS. Yes.

The CHAIRMAN. Under the Johnson bill, as I understand it, there is no power lodged with the Secretary of Labor such as is lodged with him in the issuing of the special certificate. The Johnson bill is nonelastic, while, of course, there are certain non-quota provisions, as Senator Reed mentions.

Secretary DAVIS. Let me present this preference section, Mr. Chairman.

The CHAIRMAN. Certainly.

Secretary DAVIS. The first part has reference to husband, wife, and unmarried children under 18 years of age of an alien.

Senator HARRISON. What page is that on?

Secretary DAVIS. It is on page 4.

In the issuance of immigration certificates preference shall be given in the following order—

I do not know but what I like Senator Reed's language better than my own or Senator Watson's. He says visé certificates rather than immigration certificates—

To (1) husband, wife, and unmarried children under 18 years of age of an alien (a) who has been legally admitted to the United States, (b) has resided in the United States continuously for at least two years immediately preceding the time of the application for an immigration certificate, and (c) has at least one year prior to such time declared his intention in the manner provided by law to become a citizen of the United States; (2) immigrant who served in the military or naval forces of the United States at any time between April 5, 1917, and November 11, 1918, inclusive, and was not discharged therefrom

under dishonorable conditions; (3) ministers of any religious denomination, or professors of a college, university, or seminary, when it shall appear that continuously for at least four years prior to the time of the application for admission to the United States the applicant has been engaged in and seeks to enter the United States solely for the purpose of carrying on such vocation; (4) skilled laborers; (5) all other laborers, including domestic servants; and (6) all other immigrants.

You divide that into 12 quotas. It is a question with me whether you will ever have any of the six provisos.

The CHAIRMAN. Those are admissions under the quota?

Secretary DAVIS. Under the quota that comes first.

Senator KING. That is in the Watson bill?

Secretary DAVIS. That is in the Watson bill. I might say that under this section in this bill, because it carried with it putting Canada and Mexico on the percentage basis, it was discussed with the representatives of labor, both organized and unorganized, and they agreed to it. Those are preferences that would come under any quota law that you might adopt.

The CHAIRMAN. Your special immigration certificate is outside the quota law?

Secretary DAVIS. Yes.

The CHAIRMAN. You have read about the preferences under the quota law. I wish you would explain what your bill involves with regard to the special immigration certificates and what classes it includes.

Secretary DAVIS. Reading from page 6 of the Watson bill:

The Secretary may upon the verified petition of a citizen of the United States authorize and require a consular officer to issue a special immigration certificate to any immigrant otherwise admissible who is (1) the husband, wife, unmarried child under 18 years of age, dependent father or mother of such citizen, or who is (2) a farmer, a skilled or unskilled laborer, and his wife and unmarried children under 18 years of age accompanying him, regardless of the quota limitations and restrictions provided for in this act, when it shall satisfactorily appear to the Secretary, after full hearing and investigation, that the facts stated in such petition are true; and, where the petition is filed in behalf of a skilled or unskilled laborer, that labor of like kind unemployed can not be found in the United States, and that a strike or lockout does not exist or impend in the particular industry seeking to import such skilled or unskilled labor.

(b) The petition shall be in such form and supported by such evidence, documentary or otherwise, as may by regulations be prescribed, and, in the case of an immigrant who is the husband, wife, unmarried child under 18 years of age, dependent father or mother of a citizen of the United States, shall have attached thereto a photograph of the immigrant in whose behalf filed. Application for a special immigration certificate may be made in the same petition for more than one individual.

(c) The special immigration certificate shall be in such form and contain such information concerning the immigrant as shall by regulations be prescribed, and shall be valid for the period therein specified, not exceeding six months after the date of issuance. The immigrant shall furnish two copies of his photograph to the consular officer, one to be permanently attached to the special immigration certificate, the other to be attached to the certificate of arrival by an immigration official at the port of inspection. The special immigration certificate shall be surrendered to the immigration officer at the port of inspection, who shall make such notation thereon and such disposition thereof as shall by regulations be prescribed.

(d) A fee of \$10 shall be collected by the consular office for the issuance of a special immigration certificate.

(e) The Secretary shall report to Congress at the beginning of each session the number of special immigration certificates issued.

I think we had one hundred and ten or one hundred and eleven thousand come from Canada last year, and 62,000 that we know of

that came in legally from Mexico under open immigration. Now, that is 163,000.

Senator HARRISON. Under the 3 per cent quota, the present law, say, how many would be permitted to come in from Canada and how many from Mexico?

Secretary DAVIS. I think it runs about 3,500 from Mexico—I have not the figures in my mind correctly—and about 35,000 from Canada. Have you figures over there, Mr. Luhring?

Mr. LUHRING. It would be 36,292 from Canada and Newfoundland, and 6,657 from Mexico.

Secretary DAVIS. That is, from Mexico and South America.

Mr. LUHRING. From the total of those countries not now included in the existing law, based on 3 per cent, there would be 44,877.

Senator KING. Is that all Latin-American republics?

Mr. LUHRING. Yes.

Senator HARRISON. May I ask you, Mr. Luhring, if you have figures there on the 2 per cent quota of 1890, how many would come in from Canada and how many from Mexico?

Mr. LUHRING. I can not give you that information.

Secretary DAVIS. I think if you will get the Congressional Record of the day this bill was introduced you will find those figures there.

The CHAIRMAN. How many would come in from Mexico under the 3 per cent law as applied to Mexico?

Mr. LUHRING. Of the census of 1910, you mean?

The CHAIRMAN. Yes; the census of 1910.

Mr. LUHRING. From Mexico, 6,657.

Secretary DAVIS. I will answer the Senator's question. Two per cent of 1890 would be a total, I think of 182,648.

Senator HARRISON. That is the total; but from Canada how many?

Secretary DAVIS. Canada and Newfoundland, 19,619.

Senator HARRISON. And Mexico?

Secretary DAVIS. 1,557.

Senator REED. Have you ever made any estimate as to the extent of smuggling in of immigrants over the Mexican border?

Secretary DAVIS. No; that is why I want registration of the aliens, so that I can find out.

Senator HARRISON. You are going to discuss that feature later on, are you not?

Secretary DAVIS. Not at this session.

Senator HARRISON. Is that proposed in this bill?

Secretary DAVIS. No; that is not in here at all. I think it ought to be in a separate bill, because it pertains to naturalization, and I am waiting until we get this out of the way before we prepare information on that.

Senator HARRISON. The trouble is if we wait we will not get it through Congress.

Senator KING. Mr. Secretary, I want to follow you logically. You are dealing with special certificates now and the classes that come under the special certificates. I will call them the families of the immigrants and the skilled and unskilled labor. Is there any provision in your bill where you deal with seasonable labor?

Secretary DAVIS. This special immigration certificate deals with seasonable labor also. For instance, if you need some one to come into Texas to pick the cotton, you can make the necessary arrange-

ments under this particular bill. If you want some one to come into the northern part of Maine to harvest potatoes or into the northwestern section to harvest the wheat or up into Utah, to pick the sugar beets, whatever you want to do, you can make arrangements for under this particular immigration bill.

The CHAIRMAN. You do, in effect, lodge with the Secretary of Labor, under proper regulations, with this special immigration certificate, the power to admit the families of the immigrants, skilled and unskilled labor, or seasonable immigrants? I mean the power is there?

Secretary DAVIS. Yes.

Senator COPELAND. Is that permanent admission?

Secretary DAVIS. You can have it permanent admission or temporary admission.

The CHAIRMAN. That all rests with the Secretary of Labor?

Secretary DAVIS. It is all with the Secretary of Labor.

Senator COPELAND. I notice in the Johnson bill that there is a similar plan with reference to skilled labor, but as I read it it seems to indicate that it is a temporary admission.

Secretary DAVIS. I am not familiar with that, Senator. I have not yet had time to go over it.

Senator COPELAND. It is on the bottom of page 18 of the Johnson bill. Beginning in line 23 it says:

to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

It is implied there that the admission is temporary.

Secretary DAVIS. Under the law we can admit skilled labor where like labor can not be found in this country, but it is subject to the quota.

Senator COPELAND. But the trouble is you do not want to admit a farmer.

Secretary DAVIS. If it is necessary to admit that farmer and you can not find—

Senator COPELAND (interposing). No; but the reply you made to me was that the farmer is not skilled. I have had lots of fun with your reply about that up through the farming districts. A farmer is skilled in more of the arts and sciences than is any other skilled laborer.

Secretary DAVIS. I think if you will examine the records in the Department of Labor you will find that we admit men in that particular line who are skilled; horticulturists—skilled agriculturists we call them.

Senator COPELAND. Experts?

Secretary DAVIS. Experts.

Senator COPELAND. But you think a farmer is not a skilled man?

Secretary DAVIS. I think a farmer is not a skilled man?

Senator COPELAND. You said so in your reply.

Secretary DAVIS. I think a farmer is a skilled man.

Senator COPELAND. Under the Johnson bill where it speaks about skilled labor would you admit a farmer?

Secretary DAVIS. I am not familiar with the Johnson bill.

Senator COPELAND. Well, under any bill where it is said any skilled labor would be admitted, would you admit a farmer?

Secretary DAVIS. I am not familiar enough with it to answer your question, Senator.

Senator COPELAND. Well, when you did answer it before you said, "No; he could not come in."

Secretary DAVIS. Wait a minute. I would say that a man who was just an ordinary farm hand is not skilled labor.

Senator COPELAND. I am not speaking about an ordinary farm hand; I am talking about a man who is born on a farm and has lived on a farm and had training such as one gets on a farm, which, to my mind, indicates a great degree of skill.

Senator HARRISON. Mr. Secretary, you presented your views to the House Immigration Committee, did you not?

Secretary DAVIS. Yes.

Senator HARRISON. I was just wondering whether they considered all this proposition over there.

Secretary DAVIS. I do not know; I did not appear before the House committee.

Senator HARRISON. Oh, you did not?

Secretary DAVIS. No.

Senator KING. Do you mean that in the recent hearings on the Johnson bill your testimony was not sought?

Secretary DAVIS. Well, unfortunately, when they asked me to appear before the committee I had to attend a Cabinet meeting.

Senator HARRIS. Was your department represented?

Secretary DAVIS. Yes; I think Mr. Husband and Mr. White appeared before the committee. You did appear before the committee, did you not, Mr. Husband?

Mr. HUSBAND. In connection with one matter only.

Senator COPELAND. There is a matter on page 19 of the Johnson bill which I think should be enlarged. It says:

For the purposes of this section the marriage of an immigrant ineligible to citizenship admitted as a student under subdivision (g) of section 4 shall be considered to be a failure to maintain the status under which admitted.

Would that mean, then, if a girl came over here to study medicine and was unfortunate enough or fortunate enough to fall in love with another student and married him, that she would then immediately lose her status and have to be excluded?

Secretary DAVIS. I am not familiar with the Johnson bill.

Senator COPELAND. Are you, Secretary White?

Mr. WHITE. Yes; I think that was directed entirely to the number that changed status by marriage. The Japanese enter and the children become citizens.

Senator COPELAND. But under this plan in the Johnson bill a girl could come in to study medicine, could she not, Mr. White?

Mr. WHITE. I presume so. I do not know the exact wording of the Johnson bill. I am speaking more of the present student status under the present law.

Senator COPELAND. And then if she did marry an American citizen she would be excluded by reason of that marriage.

Mr. WHITE. I do not know what the intention of the Johnson bill is in that regard, but it clearly states, as I understand, that marriage changes the status, and if she was an excludable alien she would be excluded, naturally.

Senator COPELAND. In spite of the fact that she is the wife of an American citizen?

Mr. WHITE. That I do not know.

Senator REED. That would be corrected by the Johnson bill, Senator, in another way, because the wife of an American citizen is admitted without being counted in the quota. The predicament caused by the passage of the Cable law is corrected in the Johnson bill.

Senator COPELAND. We ought to make that very clear in any bill that is passed.

The CHAIRMAN. Is there anything further, Mr. Secretary?

Secretary DAVIS. No, Mr. Chairman.

Senator HARRISON. Of course, we have just a few months and there is not going to be any politics discussed during this session of Congress. The chances are we are going to adjourn before the convention meets in June. This registration of aliens is a pretty important question. I do not think there is any doubt but what we can drive through a pretty restrictive piece of legislation here touching immigration, and it might be that we would be able to carry through the other proposition, namely, the registration of aliens. I am very strongly of the conviction that the best thing to do is to put it in this bill. Therefore, I would like to hear your views on the registration of aliens, Mr. Secretary.

Secretary DAVIS. I have some information in the office that I would like to get and present to you in order that I may be correct. I would rather finish with this first and then take that up. However, I am heartily in accord with the principle of registration of the alien.

Senator HARRISON. It might appear to some of us, even though the committee should turn down the suggestion, that such a matter might be offered on the floor of the Senate. So I would like sometime to get your views on the proposition.

The CHAIRMAN. The Secretary of Labor will return at any time and give his views to the committee.

Secretary DAVIS. Yes; I will come at any time. I am extremely interested in the matter.

Senator HARRIS. In making this a permanent bill it seems to me we could cover this at one time and get through with it. Is that your idea of it, Senator Harrison?

Senator HARRISON. Yes.

Senator COPELAND. We are discussing, Mr. Chairman, at this time the Watson bill?

The CHAIRMAN. Yes, sir.

Senator COPELAND. Then, I would like to ask the Secretary a question. You have taken 1900 in your bill, Mr. Secretary?

Secretary DAVIS. 1910. I think there was an error made in this bill in some way when it first came up and it was corrected afterwards. It should have been 1910. I think in one place here they have it as 1900.

Senator COPELAND. Mr. Chairman, while we have the Secretary here why not discuss the year which is to be made the basis, whether it is to be 1910 or, as the Johnson bill provides, 1890?

Secretary DAVIS. Will you permit me to ask you a question, Senator? You have the legislative end of the Government. I am just one of the administrative officers and I would rather ask you what percentage limitation you want in the bill.

Senator COPELAND. I am not speaking about the percentage; I am speaking about the year which is to be made the basis of the percentage.

Secretary DAVIS. I might direct the same question to you.

Senator COPELAND. In general, I myself would favor the year nearest to the time of our debate or nearest to the time when we are going to pass a new bill. Whether or not there are conditions which arose between the period of 1910 and 1920 by reason of the war, conditions which would make 1920 an abnormal year, is a thing to be considered. On general principles, I would say that I would prefer to take 1920. It would seem to me the most natural and logical year to take. It is the last year of our census. But I am perfectly willing to take 1910, for the reason that we had these abnormal conditions between 1910 and 1920. It seems to me that when we go back to 1920 we do it for obvious reasons, which we are not willing to frankly state to the country, and for the reasons which I have given and some others. I might enlarge upon and add to the reasons why I think I would prefer to take 1910 for the basis, the same as the Secretary has in his bill.

Senator KING. Has any objection been brought to your attention or to the attention of the State Department, so far as you are advised, Mr. Secretary, by foreign nations because we selected 1910 rather than 1920?

Secretary DAVIS. I did not get your question, Senator.

Senator KING. Have any foreign nations made any complaint because we took 1910 instead of 1920 as the basis of our quota law?

Secretary DAVIS. I do not know; but I understand there were some objections to 1890 upon the part of the Italian Government.

Senator KING. But as to 1910 there were no objections?

Secretary DAVIS. Not that I know of.

Senator KING. Well, the present law is 1910.

Senator COPELAND. Do you say there was an objection on the part of Italy?

Secretary DAVIS. I think there was an objection on the ground that we are discriminating against them, because the Johnson bill provided for 1890. I do not know of any other country that objected.

The CHAIRMAN. Senator King was inquiring if we were going to frame a quota law on the relative strength of the nationals within a country, and that law were framed early in 1921, why we did not take the census of 1920.

Secretary DAVIS. Oh, I can not tell you.

The CHAIRMAN. I happen to know something about the conditions when that quota law was adopted. There was some complaint made by witnesses—it was not very general—to this effect: "Why do you not follow out the spirit of the quota law, which is the number of nationals in the country at the time of the passage of the law?" In the early part of 1921 we did not have the data. You know the Census Bureau was late in making its report. We did not have the



data of the 1920 census. We did the next best thing; we took the 1910 census. To the best of my recollection there was no general protest on the part of foreign governments to taking the 1910 census.

Senator COPELAND. I would not think that Italy would have any very great grief because in 1890 our Italian population was 1,182,000 while in 1910 it was 1,334,000, including the outlying possessions.

The CHAIRMAN. These racial groups have been accustomed to this allotment, and since this proposition of carrying it back to 1890 has been started they are perfectly willing, as it were, and they make no complaint about the 1910 basis, but they do, of course, protest on grounds of discrimination against going 20 years further back, to the census of 1890.

Senator KING. They are satisfied with 1910, as far as you are advised?

The CHAIRMAN. So far as stirring up racial prejudices is concerned, which I think we ought to guard against, 1910, as far as I understand, is generally regarded as satisfactory.

Senator HARRISON. I want to ask Secretary Davis a question along that line. It is now three years since we took the census of 1920. Do you think that an argument could be advanced with just as much justification on the part of any country against going back to 1910 and not accepting 1920 now as can be advanced if we should go back to 1890? I do not know that I make myself plain.

Senator REEP. It is very plain to me.

Senator HARRISON. It is three years now since the census of 1920 was taken. The chairman of this committee says that these countries raise no objection to 1910. Do you not think there is just as much reason to raise objection against the basis being on the 1910 census as there would be to go back to 1890?

Secretary DAVIS. These statistics speak for themselves, Senator; but take in Italy under the 1890 census; they take in nearly 4,000 under 1890; under 1900 they would have 10,115 and under 1910 Italy would get 28,038.

Senator KING. In 1920 Italy would obtain under the present quota how many?

Secretary DAVIS. I do not know.

Mr. LUHRING. Thirty-two thousand four hundred and fifteen based on 2 per cent of 1920.

Secretary DAVIS. Germany under 1890 would get 30,121; under 1900, 47,000; and under 1910, 45,000.

Senator KING. In 1920 what, Mr. Luhring?

Mr. LUHRING. Thirty-eight thousand two hundred and five on the 2 per cent basis.

Secretary DAVIS. Great Britain under 1890 would get 32,000; under 1900, 35,728; and under 1910 they would have 50,502. You can not make one of these percentage laws without discriminating against some one. If you go forward you discriminate against the earlier settlers. If you go backward you discriminate against others.

I think I have had practically every one of these organizations here—foreign language groups. For instance, take our Italian friends. They say, "If you go to 1890, it will discriminate against us." Our British friends say, "It will discriminate against us if you go to 1910 or 1920."

Senator COPELAND. I do not think Senator Harrison has had a full answer. I believe there would be complaint, Senator Harrison, if we were to take 1920 rather than 1910, because conditions during the war and immediately following the war prevented a great many people from coming in from the central empires, and during that time a great many left here. So it makes a great difference to these nationals whether you take 1910 or 1920.

Senator REED. That census is altogether unreliable, because a great many foreign born did not know in 1920 the name of the country in which they had been born.

Senator HARRISON. I was only trying to drive this point in answer to those who say that if we adopt 1890 as the basis, there would be great discrimination; that there is just as much reason why we should not accept 1920 or 1910.

Senator COPELAND. It would seem to me that 1910 is the last logical and scientific census we have had because of matters mentioned by Senator Reed.

The CHAIRMAN. Senator Harrison, it is merely a question of degree. The 1910 census, as compared with the 1920 census, does in some slight degree discriminate against certain racial groups, but if you go back to 1890, you discriminate in a most marked degree, because you base your quota from northern and western Europe not upon the number of British and Germans who were here but upon a much greater number. Our foreign-born population from Germany fell off 600,000 this last decade. You base your quota not upon the number of Italians who were here in 1910 but upon a fraction of that number. So it is a question of degree, and, in a word, I agree with the Secretary that you can not frame a logical bill unless you base the quota upon the number of nationals in the country at the time the bill is passed.

Senator HARRIS. In making those estimates for the 1920 census the people in this country gave their birthplace as Germany, or whatever country they were from. In making those estimates the countries have been separated. We would get the total number that country had at that time and prorate it according to the population at the present time in selecting the number. We would get it just as well for 1920 as for 1910. I do not think that enters into it.

Senator COPELAND. It makes this difference, Senator Harris: The difference between 1910 and 1920 with regard to Italy gives Italy for 1920 300,000 more.

Senator KING. It would augment the number which would come from Italy relatively far more than the other countries.

Senator HARRIS. I am discussing the matter of the different countries that have been divided and the statement made that the 1920 census was different.

Senator REED. Take Poland as a specific case. In 1920 many reported that they were born in Poland. It is impossible for us to tell from the census whether that means Russian, Austrian, or German Poland. On the other hand, many others reported that they were born in Russia, Germany, or Austria, when, in fact, they were born in what we now know as Poland. The jumble is so complete that nobody can straighten it out.

Senator HARRISON. But you will not be able to straighten it out 10 years from now with the census of 1930.

Senator REED. We will not try. We should take the 1910 census as a basis and continue that basis and put a permanent policy in effect based on that.

Senator KING. If it were right to move I should move that we take 1910 as a basis, but I shall not do it.

Mr. Secretary, do you believe that we ought to apply the quota to the Western Hemisphere, or at any rate to these Latin American Republics?

Secretary DAVIS. My recommendation is that you apply the quota to the Western Hemisphere.

Senator HARRIS. Mr. Chairman, I did not mean to convey the idea that I was in favor of the 1920 census, because I would rather go back to 1890.

Senator HARRISON. Has there been any objection raised by any of these countries that you are taking too many of their emigrants and they are trying to keep them from coming over here?

Secretary DAVIS. No; the trouble has been that we are not taking enough.

Senator HARRISON. That is pretty unanimous, is it not?

Secretary DAVIS. Yes.

Senator COPELAND. That is, the secretary holds to the view that they are sending us a lot of undesirables!

Secretary DAVIS. No; that was not the question that he asked me.

Senator COPELAND. I thought so.

Senator HARRISON. I asked whether they are encouraging in any of these countries emigrants to leave their particular countries and come to America. Is there any movement on in those countries to that effect?

Secretary DAVIS. I should say that there is.

Senator REED. There is a marked difference between the countries. France is discouraging emigration and Italy is encouraging it.

Secretary DAVIS. Italy is anxious to have their people come to this country. Poland encourages emigration and so does Rumania. Practically all of those Balkan countries encourage emigration. Great Britain is encouraging emigration to the colonies. I do not know that they are encouraging emigrants to come to the United States.

Senator HARRISON. So you think all of the countries are encouraging their people to leave and come to America?

Secretary DAVIS. Excepting one or two.

Senator HARRISON. Are those one or two countries trying to keep their citizens there?

Secretary DAVIS. They are all trying to keep their good citizens there. If I understand correctly about Italy, they have probably the best organized system of any country. Their commissioner tells me they are organized down to the smallest commune; that if we wanted 25,000 laborers they would be able to have them for us within a week or two and have them shipped to the United States.

Senator HARRIS. You say all countries are trying to keep the most desirable of their population?

Secretary DAVIS. Yes; they are anxious to, except those who are extremely anxious to get rid of some because of their overpopulation.

Senator COPELAND. And because of lack of food.

The CHAIRMAN. Senator Harris, I think Italy is a country that must have emigration.

Secretary DAVIS. Italy's emigration to South America is rather large.

Senator HARRIS. The point I was making is, if they are trying to keep in their country the most desirable, we are getting the most undesirable.

The CHAIRMAN. Czechoslovakia, Yugoslavia, and the new countries are trying to prevent passports being granted to those whom they want to retain.

Secretary DAVIS. That was my plan of changing the issuing of the immigration certificate under this scheme suggested in the Watson bill: You go to the American consul for your certificate rather than to your own government for a passport. So we can ascertain then the number that is really being refused passports to come to this country. For instance, if I am desirous of coming to the United States I go to my government, and if they want to keep me there for military or other purposes they will not issue me a passport. I want to reverse the order and give the would-be emigrant the right to go to the American consul and get his certificate first. Then after he gets his certificate he goes to his government to get his passport, and then if we find that that country is really refusing passports for these young men to whom we have granted certificates to come to America we can shut off immigration from that particular country.

Senator REED. Mr. Secretary, it is not a fact that every one of these foreign countries determines its emigration policy according to its selfish, national interest, without any regard to what we want?

Secretary DAVIS. I should say yes straight-out to that question.

Senator REED. Then ought not we to determine our immigration policy according to our selfish, national interest and without trying to satisfy all creation?

Secretary DAVIS. We certainly should.

Senator SHIELDS. That strikes the keynote of what I think ought to control this committee and the Senate. I am not so much disturbed about discrimination against any nation. The controlling principle we ought to be governed by is the protection of the American Government and the American people, and if it hurts any particular nation let it hurt them to the heart. We do not want undesirable citizens here.

The CHAIRMAN. Perhaps I am somewhat familiar with the facts and can reply to Senator Copeland's inquiry. The number of foreign born that came into the country from 1910 to 1920 was over 5,000,000, gross. The net number of foreign born who came to this country from 1910 to 1920 was 3,350,000. Of course, during the first four years, 1910 to 1914, there was a very heavy immigration. Of that 3,350,000, 75 or 80 per cent, and possibly more, were those from southern and eastern Europe.

Senator KING. Mr. Chairman, we have gentlemen here from the State Department. We had better hear what they have to say.

Secretary DAVIS. I would like to call your attention, Senator King, to section 14 on page 11 of the Watson bill, that permits an immi-

grant who is in this country to reenter without being charged to the quota on his desire to return to his own country.

Senator KING. After he has been here for some time?

Secretary DAVIS. After he has been here if he desires to return to his own country he pays a fee of \$5 and that immigration certificate will last him for six months.

Senator KING. I am in favor of that.

Secretary DAVIS. And he is not charged to the quota when he comes back.

Senator KING. And if there is nothing against him and he is a desirable citizen and resident and has made a contribution to the economic and industrial development of the country, I see no reason why he should not return to his own home. I would approve of that.

The CHAIRMAN. The committee is very much obliged to you, Mr. Davis. Will you please hold yourself in readiness to return at any time?

Secretary DAVIS. I shall be glad to do so.

The CHAIRMAN. Commissioner Curran is here from New York. Does the committee wish to ask him any questions? I am afraid the committee can not sit after 12 o'clock to-day.

Mr. CURRAN. I do not know that I can get as far as you would like me to in a helpful way by 12 o'clock. I had in mind going through Senator Reed's bill, which is so near to the Johnson bill; and although I have received the Senator's bill only this morning, I think I can do it, and I judge that is directly before you. The Johnson bill I have studied with extreme care, and I have appeared twice before the House committee. I think my suggestions might be helpful, and that would be a helpful way to do it, possibly, to go through the bill line by line. All told, my suggestions do not number more than half a dozen. I am not quite sure whether you want me to go on now or later.

Senator COPELAND. Major Curran, does the Johnson bill humanize this problem so that there is enough flexibility so somebody has power enough to use judgment and discretion and not confine the action of the law strictly to its letter?

Mr. CURRAN. I believe it does, so far as human ingenuity can foresee. I am perfectly sure that the day after the new law takes effect at Ellis Island a case will arise that is not covered by that new law. The regulating of the human being in his different domestic and international and long-distance relations is such that I do not think the human mind, singly or collectively, can anticipate the different fixes he is going to get into; but I think the Johnson bill, with some of the amendments proposed by Senator Reed, comes as near to it as anything I have ever seen during my experience with the quota law. There are some things that when you desire I can bring out to that end.

The CHAIRMAN. Can you attend the committee meeting to-morrow morning at 10 o'clock?

Mr. CURRAN. Yes, sir.

The CHAIRMAN. Very well. We will adjourn now to 10 o'clock to-morrow morning.

(Thereupon, at 11.50 o'clock a. m., the committee adjourned to 10 o'clock a. m. Thursday, February 14, 1924.)



## SELECTIVE IMMIGRATION LEGISLATION.

THURSDAY, FEBRUARY 14, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment, in the committee room, Capitol, at 10 o'clock a. m., Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, Shields, and Copeland.

The CHAIRMAN. The committee will please come to order. Mr. Curran, you may begin where you left off yesterday.

### STATEMENT OF HON. HENRY H. CURRAN, UNITED STATES COMMISSIONER OF IMMIGRATION AT ELLIS ISLAND.

The CHAIRMAN. Mr. Curran, suppose you make such statement as you desire without any more interruptions than the committee may wish to make.

MR. CURRAN. I would be very glad to be interrupted, Mr. Chairman, and what I have to say uninterruptedly I promise to make very brief.

The CHAIRMAN. Will you please state in the beginning the official position that you hold.

MR. CURRAN. United States commissioner of immigration at Ellis Island.

The CHAIRMAN. How many years have you been commissioner?

MR. CURRAN. Almost two-thirds of a year. I have been commissioner there since the first of last July.

The CHAIRMAN. Had you made any study of immigration problems before you became commissioner?

MR. CURRAN. Yes, Mr. Chairman. I have lived with immigrants all my life. When I was in college during the summer vacations I handled immigrants and their children in getting them out to the country. That was 30 years ago. I have lived with them in New York in one way or another in trying to help them, and the people we have to help most in New York are the immigrants and their progeny. In politics I have lived with them. We are surrounded with them in the city of New York. I have had 15 years' experience in that regard.

The CHAIRMAN. Did you hold any official position in any society or organization that connected you with the immigrants previous to your holding the position of commissioner?

MR. CURRAN. Years ago I held the position of assistant manager of what was known as the Tribune Fresh Air Fund, and my job was

to live in the tenement houses, practically speaking, so that I could interpret their life to the kind people in the country regions who would invite them out to their farms for summer vacations. I was a trustee of a dispensary and a trustee of the Legal Aid Society. There were other affairs in which I acted officially in an appropriate way.

Since I have been commissioner I have been night and day learning not so much the immigrant, because I felt that I knew him pretty well long before I ever thought of being put at Ellis Island, but what I have to offer is the sum of the carefully matured and considered opinion of all of the leading responsible officials at Ellis Island. We have conferred together at great length regarding this legislation because we know how vital the administrative features of it will be. One of these men, the first assistant commissioner, Mr. Uhl, has been there 31 years; another 18 years and another 15 years, and so on. So what I have to offer is not only my own contribution, but it is the Ellis Island suggestion, in an endeavor to be helpful from an administrative point of view.

I do not qualify as an expert, but I do qualify, perhaps, as an immigration man in that way.

There are half a dozen points in the bill as proposed by Senator Reed, and, if it is agreeable to you, I can best make my suggestions by pointing to the particular line and word in the bill, and I shall omit, if you please, those matters which I have already discussed at great length with the House committee, which have been resolved favorably to suggestions from Ellis Island. I think a discussion of those matters would be unnecessarily taking your time, although I would be very glad to revert to them if it is desired.

On page 2, line 20, in Senator Reed's bill the dispute over the life of the visé certificate is reflected in those three words, "six," "two," and "four." At one time the life of the immigration certificate was proposed to be eight months, and we begged that it be made shorter for this reason: Once the immigrant had received his visé certificate, as it is termed here—and I think that is a great improvement over the House bill in providing that the visé and certificate be combined in one, although that is more for the State Department than it is for the Department of Labor—once he has received a certificate, if he has six months or eight months within which to make his trip to this country, the inevitable result will be that most of the immigrants desiring to arrive here in the spring will arrive here in the spring. Those who receive their certificates in November, December, January, and February, and thereabouts, will make the voyage in April, May, or June, and we may have 50 per cent of the immigration of the whole year dumped upon us at the gate within a space of three months. That is the second of the two greatest evils in the present law, the congestion at Ellis Island where we handle two-thirds of the whole immigration of the country.

The CHAIRMAN. Mr. Curran, I do not quite understand the text of the Johnson bill. Is the life of the certificate made six months or two, finally? I find six, two and four mentioned.

Senator REED. It was originally six. The commissioner addressed the House Committee with such effect that he got it cut down to two. I thought that was too short.

The CHAIRMAN. Now you suggest four?



Senator REED. I suggest four.

Mr. CURRAN. I suggest two.

The CHAIRMAN. Do you still suggest two, Mr. Curran?

Mr. CURRAN. Yes, sir. However, I retreated to the position reflected by three months at one time and I am ready to do that now. I very much dislike to see anything over three months put in, because this congestion is one of the factors that make for delay, and it is during the delay that immigrants fall sick and die and scandal arises and Ellis Island becomes a name of reproach to our whole Government. This will help do away with that delay. It would be helpful if we could have an even inflow of immigration throughout the year. There will be a peak load in the spring, but it will not be nearly so sharp if you make it three months as it would be if you make it four or five or six months.

The inspection is not worthy the name when the arrivals are bunched in a few months. We inspect at the rate of an immigrant a minute. An immigrant will take a month or so to get over here. He will wait a solid week in the steerage of the ship in dock, and he winds up with one minute of inspection, which is not enough to protect the United States against the admission of undesirable citizens, and with our force we can not give inspection more time.

The CHAIRMAN, Mr. Curran, some immigrants might be delayed, might they not, in reaching the port of embarkation? You are allowing a reasonable time, are you?

Mr. CURRAN. Yes, sir.

The CHAIRMAN. And you think three months is a reasonable time?

Mr. CURRAN. I do. In all our records I do not know of a single case where it has taken an immigrant a longer time to arrive at the port of New York. There were a few immigrants who came from the far reaches of Persia, and they were delayed in one way or another in getting to the Mediterranean coast, but after all their adventures from the beginning to the end of the voyage, they arrived here inside of three months, and that is the longest voyage on record.

Senator KING. However, if the certificate given by the consul becomes the equivalent of the visé and the plan should prevail that that precede the passport, there might be such a long time intervening between the visé and the obtaining of the passport as to prevent the immigrant from reaching here within the period named.

Senator REED. May I make this suggestion? I believe it would be the practice that the actual issuing of the certificate would not take place until the immigrant presented his passport and showed himself ready for the certificate. Then the consul would complete the transaction by giving him a visé certificate.

Mr. CURRAN. We would cure that.

Senator REED. What I had in mind in making it four months was that until the immigrant knows he can come he can not settle up his home affairs, and that period of four months would allow a reasonable time for him to sell off what he has and make his family arrangements at that end.

Senator KING. What I had in mind were the statements made by the Secretary of Labor yesterday. He was advocating that a certificate shall be issued by the consular office and upon that the applicant for entrance into the United States goes to his own Government

and obtains his passport and does not report back to the consular office.

Senator REED. I think the Secretary had not thought his suggestion through to its conclusion, or he perhaps would not have made it in that form. The consul ought not to issue his certificate until he finds that the immigrant is going to be permitted to come; otherwise, he will have issued a lot of certificates to people who will not be permitted to leave their own country. He ought to show his readiness to issue the certificate but nothing more than that.

Senator KING. I called the Secretary's attention to the fact that after the passport was issued the applicant ought to communicate with the consular office from which he had obtained his visé or certificate. It seems to me that this time limit ought to be determined whether we adopt the Secretary's plan of having the visé precede the passport or adopt the latter plan of having the passport precede the visé.

Senator REED. I do not like his plan and I do not believe it would work out in practice.

Senator HARRISON. Four months is the limit and the consul can fix the limit. He can fix it at two months. He knows when the folks are leaving. He can take into consideration how long it will take the applicant to fix up his affairs. Is not that right? In other words, this says not exceeding four months. The consular agent could fix the certificate to make it less than that if the facts warrant.

The CHAIRMAN. There is a discretionary power there.

Senator REED. That would be all within the control of the officers here by regulations.

The CHAIRMAN. It seems to me that we have all the facts and we can determine the reasonableness of six months or four months.

Senator REED. Before Senator King and Mr. Johnson came in, Mr. Curran said he liked this idea of dispensing with a separate visé and having this certificate suffice for a visé as well as for immigration purposes. I am wondering if there is anything else that he wants to tell the committee along that line.

Mr. CURRAN. No; thank you, Senator. In a way it is none of my business. That happens not in the United States at the gate which is my station, but it seems to me it simplifies things, and I do not see any objection to it. The more we can simplify the better off we are.

Senator REED. From an immigration standpoint, you see no objection to calling it an immigration certificate?

Mr. CURRAN. I see no objection. I think it is an excellent change.

The next point has to do with paragraph (c) on page 6, at line 17. That refers to ministers of a religious denomination. Also paragraph (f) on page 7, which refers to students. As I said after I discussed it with Congressman Johnson for a few minutes, this is a sort of thing that for sentimental reasons I should be the last one to press very hard, and yet every additional exemption to the quota law breeds trouble. We have the most surprising dilemmas and difficulties in deciding what a minister of a religious denomination is. We have cantors and nuns and layreaders and all manner of people in the twilight zone between what might be called helpers and what might be called ministers.

The same thing is true with respect to students. Students come here to pursue their devotion to learning under a Ford car in a garage; they are studying auto mechanics and that sort of thing, and the courts are still deciding what is a minister and what is a student. If I had my way I would cut out both exemptions and let them come within the quota as they may. With the discretion that will be vested in our consuls I think we may safely leave it to them to take care of these very desirable accessions to our country.

When you talk about a professor, that is an old American name. The professor is the fellow at the barn dance who does the fiddling, and he is almost anything. And more seriously, the law speaks of a college but not a university. I went to Yale College, but it is a part of Yale University, and the fellows over in the scientific end of my university do not belong in this law. So they put in the word "university." Then they had a seminary, which is a finishing and polishing place for young ladies, but not an academy where the boy goes to get polished in turn. All those differences and divergences you can not foresee, and you are led into the courts to know just what it is all about.

Senator REED. If we were to put in clause (c) the same qualifications that Mr. Johnson has put in clause (f), that the colleges or universities should be particularly designated by the Secretary of Labor and approved by him, would not that help?

Mr. CURRAN. I suppose it would, but then they would question the erudition of the Secretary of Labor at once. When the little old school that the man went to when he was a boy was ruled out by the modern Secretary of Labor, he would say, "The professor of that school is the maker of Americans finer than anybody I ever knew in my life." And there is your trouble all over again.

Senator REED. In others words, you would cut them out?

Mr. CURRAN. I would cut them out.

The CHAIRMAN. Mr. Curran, you are dealing with the nonquota classes. Would you cut out paragraph (c)?

Mr. CURRAN. I would cut out paragraph (c) and also paragraph (f), Mr. Chairman.

The CHAIRMAN. Now, as to paragraph (f), which refers to a bona fide student. I have received a large number of communications from heads of universities stating that students should come within the nonquota class, young men who want to come over here to Columbia University and other colleges. Would you put them in the quota class?

Mr. CURRAN. That leads me to the one further thing I wanted to say, and I am very glad you put it that way, Mr. Chairman, because exchange professors, going back to paragraph (c) and students, as contemplated by paragraph (f), may come here over and above the quota as visitors. A visit is not determined by the length of time; it is determined by the nature of the expedition.

The CHAIRMAN. Where would they come in as visitors?

Senator REED. Page 5, section 3, clause 2, which says, "an alien visiting the United States temporarily for business or pleasure." It is strictly temporary as distinguished from a permanent residence.

The CHAIRMAN. Would you say that a student was coming on business?

Mr. CURRAN. Yes, sir.

Senator KING. I would cut out both of those others. What you say is absolutely true.

The CHAIRMAN. Mr. Husband, have you ever admitted students upon the principle that they come in as temporary sojourners for business or for pleasure?

Mr. HUSBAND. Yes; they have a rule under which students are admitted temporarily for business or pleasure.

Senator HARRISON. How long do you let them stay over here?

Mr. HUSBAND. They stay for a year or until the close of the school term. Usually if they were admitted now it would be until the 1st of July, and then if they maintained the status of students they would make reapplication and that status would be continued for another year.

Senator HARRIS. About how many are there in that class?

Mr. HUSBAND. It is difficult to say. Most of the students, Senator, come in under the quota. It is only when the quota is gone that this is resorted to. So the great majority of students who come are charged to the quota and we know nothing about it. This rule went into effect, I think, in September—it was finally adjusted—and not more than 200 or 300 have been admitted. There have not been many. But it was for the school year, so there would be more in August and September, probably.

The CHAIRMAN. Will you proceed now, Mr. Curran. You have gotten rid of the students. What is the next?

Senator COPELAND. What about the students? What about nurses, the persons who come over here to enter schools for nursing?

Senator KING. We have concluded that they come over here as temporary visitors. We are opposed to students. I am going to move to strike it out.

Senator COPELAND. Could the nurse come in under the plan as you have it now?

Senator REED. Temporarily for study, yes.

The CHAIRMAN. Mr. Curran, what is the next amendment that you desire to speak of?

Mr. CURRAN. The next is on page 9, lines 3 and 4, "A certified copy of his birth certificate if required by the country of his birth."

Senator COPELAND. Which bill is that?

Mr. CURRAN. This is Senator Reed's bill. I would broaden that in the way that the other requirements are broadened, to say: "If available," or some such phrase, in order to take care, for instance, of a thousand Russians of the old régime who are in France and England and who can not go back to Russia to get their birth certificates. That situation came to my attention the other day.

Senator REED. You would change the words "if required by the country of his birth" to read "if available?"

Mr. CURRAN. Yes, sir.

The next change is purely conformatory. It is on page 10, line 21, paragraph (b), reading: "any citizen." I would say, "Any resident citizen" to make it conform to the previous provision which speaks of a resident citizen only.

The next point is on page 14. If I may say, if I am not going beyond my proper province—

Senator KING. Go ahead. Butcher it all you can.

Mr. CURRAN. I should like to add just a word to what Congressman Johnson said, and I have no hesitation about anything that I say being in the record. I agree with the objections that he made, with all deference—

Senator KING. Do not apologize. Let us have your view.

Mr. CURRAN. I agree with his objections to the naturalization measure of the amount and kind of immigration proposed in this bill. It has always seemed to me that we naturalize too soon. Americanization is not accomplished by naturalization at the end of five years from the moment the immigrant steps off the boat at Ellis Island. I have always thought that naturalization should come at the end of 10 years or 15 years or 20 years to be safe. We know they have been driven in. You gentlemen have brought that out in this informal discussion. But it seems to me this provision would quicken naturalization in order to provide greater quotas for those nationals in changes to be made in the future, 1930, and so on, and work directly against the possibility that Congress in its wisdom may some day require a foreigner to stay here more than five years before he becomes a voting American with a vote just as good as yours and mine, voting for you gentlemen whenever you run for office. I feel that so strongly that I rather shrink from anything that might stimulate or quicken naturalization. I think the best good of the country is that it be slowed up instead of quickened.

Senator KING. May I interrupt you there to make this observation and perhaps put it in form of an interrogation? Do you not think that if the judges did their duty they would take up as they take up a case in equity and not admit them until they evinced a knowledge of our institutions and showed a disposition to conform to our laws and our theory of government?

Senator COPELAND. I am sorry if your judges do not do that in your State. They do in New York.

The CHAIRMAN. The law since 1906 has provided that naturalization shall be in open court.

Senator KING. I know, but we have not been strict enough. The point I had in mind was this: Some in two or three years learn more of American institutions than others in 10 or 15 or 20 years. Some come here burning with a desire to become American citizens. Indeed, they may be more familiar with our institutions than some of us. To keep them for 10 or 15 or 20 years might be unfair. It might be unjust to keep others 15 years because of their lack of understanding of our institutions.

Senator COPELAND. Those persons who have the greatest intellectual knowledge of the United States and of its institutions and of its laws are usually the most dangerous citizens.

Senator KING. I agree with you there. Some of these parlor Bolsheviks know more about political history than some of us.

Mr. CURRAN. I should like to qualify what I have just said with this statement: I know this is one means toward an end, toward the end of future restriction of immigration and the other means definitely proposed is Mr. Johnson's 2 per cent of 1890. It is not for me to advance any opinion as to which is better, but may I say—if I am speaking out of turn I hope you will stop me, but this is said as an American and also as an administrative official—it has

always seemed to me that the most assimilable and the best kind of immigration we could get would be that which is most nearly like the hundred million of Americans of us who are now here. In other words, that each annual installment might be a replica according to the different constituents of stock who are now here. So, if there are 30,000,000 of Irish, Scotch, or English, 30 per cent of each annual immigration installment should be from the same countries. If there are 10 or 15 per cent of Italian stock, let us let in 10 or 15 per cent of Italian stock every year.

I have always thought that the census of 1890 was much nearer to measuring stock reflection than the census of 1910. I am perfectly sure of that. The census of 1910 measures only a very recent immigration and either of those two censuses measures the foreign born. It seems to me the test of the kind of immigration we want to make us homogeneous and less disunited is the roll of the American born. If we can come at any estimate of the different percentages in the present American make-up as we are as a whole and have that reflected, I think that is the best cross section of immigration we can get, and I think the census of 1890 comes much nearer to that than anything else I have ever seen. If there is something that comes nearer that would be better, let us take it; but to say that 1890 is discrimination, it might just as well be said that 1910 is a discrimination against 70 or 75 per cent of the American people, if you are interested in national stocks.

Senator REED. Mr. Curran, I think most of us are reconciled to the idea of a discrimination; I think that the American people want us to discriminate; and I do not think discrimination in itself is unfair, because our duty is to the American people and we owe no duty to be fair to all nationals. If that were so we would have to repeal our Chinese exclusion law. We have got to discriminate. The only question that I think worries the committee is whether the use of the 1890 census or the use of the method based on naturalization is the more plausible method of attaining that discrimination, which is the object which we are all seeking. If you will look at the table on page 37 of my proposition here you will see that the figures that my bill will result in are almost identical with the result you would get if you took five per cent of 1890. The question we are tackling is which is the more plausible, the more reasonable, and the more defensible method of attaining that end. Practically all of us are agreed that that is an end that should be attained.

Mr. CURRAN. I think there is not one iota of discrimination. If we let in each year the percentage that is already here of any nationality, nobody can object to that. I heard yesterday that the British are objecting to the 1910 census and that the Italians are objecting to the 1890 census. But the nearest reflection of what we are, those of us who are here, whether we have been here 20 minutes or 200 years, according to the national stock from which we sprang, can not be called a discrimination by anybody.

The CHAIRMAN. Is there anything more you wish to give us?

Mr. CURRAN. On page 18, line 3, I want to make an exception and express the firm hope that paragraphs (c) and (d) will stay out. They have been stricken out in Senator Reed's bill but not in the House bill. I shall not go into any argument on that unless you desire me to do so.

I have only one more point, Mr. Chairman. If there is any suggestion of amending the general law of 1917, I have just two matters that I could appropriately bring up now.

Senator COPELAND. Did you mean that everything on page 18 should be stricken out.

Mr. CURRAN. Yes.

Senator COPELAND. And also the top of page 19, as Senator Reed has stricken out?

Mr. CURRAN. Well, I think that goes with paragraphs (c) and (d). Am I wasting your time if I talk about an amendment to the law of 1917?

The CHAIRMAN. Could you submit your views in a written statement?

Senator KING. I think he can state them, Mr. Chairman.

The CHAIRMAN. Very well. You may proceed, Mr. Curran.

Mr. CURRAN. The first thing, answering Senator Copeland's question as to the examination abroad, I do not believe that is practicable, and no immigration man thinks it is practicable. Neither do I believe selective immigration is practicable. But we will have less mentally and physically defective immigrants come here, I believe, if the steamship company is fined not \$200, which is an archaic amount in the present law, but \$1,000, or \$2,000.

Senator REED. In line 4 of page 21 you will see that the fine is fixed as \$1,000 for bringing in any immigrants not equipped with a visé certificate.

Mr. CURRAN. This does not refer to visé certificates, but to a physical or mental disqualification. We have a great deal of trouble with those cases. They never should be taken on a ship. In the case of most of them their condition is discoverable before they embark, and if there is a fine of \$1,000 or \$2,000 staring the steamship company in the face there will be less difficulty.

Senator REED. That would have to be an amendment to the act of 1917.

Mr. CURRAN. Yes; section 9 of the act of 1917, which, I think, is worth considering.

The other point is the decision of appeals by immigrants. Those appeals are now made to the Secretary of Labor and decided by him through an informal board of review aiding his second assistant secretary, all in Washington. At the port we see the immigrants; we know them; we handle them all day and every day. The relatives are usually nearer there. We know the ship sailings. We can act at once, I think, with better insight into the case and with no delay. The delay, in spite of all the splendid efforts that are made in the Washington office, incident to sending appeals down here and back to Ellis Island or Seattle or San Francisco is an unconscionable thing, and it is during that delay that immigrants take sick and die and the Government is blamed. To clothe the commissioner at the port with power to decide appeals and to admit on bond merely requires substituting the words "Immigration Commissioner" or "Official in charge," in place of the words "Secretary of Labor," where it appears in the general law of 1917, and the power could be safeguarded by requiring of the commissioner his reasons, in writing, for his decision.

Senator REED. That is pretty broad if you make it the immigration officer in charge, because that would include every tank town along the Texas border. If you would make it any commissioner of immigration, you would do better.

Senator KING. Would you permit appeal from that decision or make it final?

Mr. CURRAN. I would make it final. It is final now with the Secretary of Labor, and I think the official at the port is better able and more quickly able to judge than the Secretary of Labor at Washington. Uniform practice at the port can be obtained by the regulations which the Secretary can promulgate to govern us in our decisions. I feel it very strongly and my predecessors have all felt it at Ellis Island. It is section 17 of the general law. I am at my wits' end whenever we have any rush of immigration to get these appeals decided. I never know what intercession is being made. Often new evidence is being brought before the Secretary of Labor when that is absolutely against law. It is bound to happen. It is no fault of his. The evidence should be brought to our board of special inquiry at the port who have seen the immigrants and have heard the evidence previously introduced. In the House committee they seemed to sympathize but were not ready to overhaul at all the general law, and yet there will be more troubles right along. It is part of the job. Every week there will be sob stuff stories, and justifiably so, unless we can in some way stop the delay.

Senator KING. Do you think we could incorporate that in this bill?

Mr. CURRAN. Yes, sir.

Senator COPELAND. Is it your feeling now that under this proposed plan or any one of them all these inhuman things will be done away with and there will be fewer persons returned because of filled quota and less of the sob stuff, to use your language, than we have at present?

Mr. CURRAN. I do not use the term "sob stuff" derisively at all, I am there and I know what goes on with these people.

Senator COPELAND. Yes; I have an office in New York and I know too.

Mr. CURRAN. I can not think of anything to add to the bill to that end. I think the issuing of the visé certificate abroad is going to eliminate a tremendous amount of hardship; and the bill has been whittled down and polished and is still being subjected to that process by Senator Reed's amendments and the letter of the Secretary of State. So I think when you gentlemen are through there will be nothing left for us administrative officials to beg and pray for.

The CHAIRMAN. Mr. Curran, do you not think that some times they get exaggerated notions about how many were deported, etc.? I notice in Commissioner Husband's report that out of 694,025 immigrants under the percentum quota law only 2,080 were deported.

Senator KING. You mean departed?

The CHAIRMAN. No; under the quota law—they were in excess of the quota—2,080. So far as New York is concerned, which is always the storm center in this regard, 1 $\frac{1}{10}$  per cent of the aliens applying last year were turned away. Could we not frame certain regulations with regard to the number of refugees, etc., or certain amendments to the present law which would in part eliminate the number that were rejected and deported?



Senator COPELAND. Mr. Curran shows us that under this law we are going to have fewer such.

The CHAIRMAN. Yes; and would not selection at the source, while it would not be the same examination as you have at the port of entry, tend to help?

Mr. CURRAN. I believe so, yes.

Senator COPELAND. I want to enlarge upon what Major Curran has said about the fine of the steamship companies. You gentlemen will remember, perhaps, that two or three years ago I got disturbed over the typhus cases and put a line of policemen around the barge office to direct these immigrants after they passed through Ellis Island into a health department station where we found 25 per cent of them vermin infested. Then the steamship companies came to me to see if I really meant that lousy people could not come into New York. I said that was what I meant. So they sent them to Boston. We got them at the Grand Central Station. The steamship companies established these hotels on the other side to examine people and make them clean and reject those who were not suitable for our physical examination. There is not any question at all but what the quality of immigrants we have had since has been very much improved. Is not that true?

Mr. CURRAN. Yes, sir.

The CHAIRMAN. Mr. Copeland, as you are very familiar with this subject of health, can you not propose some amendment to the Johnson bill covering what you are saying with regard to it?

Senator COPELAND. I have a feeling that it would be helpful if our consuls abroad were all as intelligent as Mr. Keener, at Warsaw, of whom Senator King has spoken, and likewise our consul at Trieste and our consul at Rotterdam. They are doing these things. The United States Public Health Service physician who is there attached to the office is in constant contact with what they call the steamship hotels where these immigrants are taken. Now, if that activity were taken into every port of embarkation on the other side so that there would be the same careful oversight of the immigrant, I believe that even though we do not write it into the law and raise all this trouble of treaty disturbance we will accomplish, to a certain extent, what we have in mind, a physical examination at the source. If we can by the cooperation of the State Department bring that about, I think we can accomplish, Mr. Chairman, exactly what you have in mind. I believe it will be equivalent to a physical examination at the source.

The CHAIRMAN. Mr. Husband, we will hear you now.

#### STATEMENT OF HON. W. W. HUSBAND, COMMISSIONER GENERAL OF IMMIGRATION.

Mr. HUSBAND. Mr. Chairman, I do not know just what you want me to say. If you would like to have the few comments I have to make on the bill, I should be glad to make them.

The CHAIRMAN. May the chairman ask just one question? We do not know what legislation is going through, but I notice in your report for the last fiscal year you say, "If the law"—that is, the present quota law—"were amended in some particulars it is doubtful whether any other equally effective method of

restricting immigration could be devised that would present fewer administrative difficulties or cause less hardships to aliens or immigrants or inconvenience to their friends in the United States." I wonder if you could submit to the committee such amendments to the present law that may have occurred to you in your experience as an administrative official that would cure or perfect the present law.

Now, I am frank to say that I am asking this question in view of the possible but not probable contingency that might arise, that the Johnson bill would not pass the House; in other words, that none of these general bills would get through and we might go along to the first of May when the present law would expire and have to pass an emergency measure. I would like, for my own satisfaction—or perhaps the committee would authorize me to do so in connection with yourself—to have you frame certain amendments to the present law that you think would perfect it. Is there any objection to that on the part of the committee?

Senator COPELAND. I am glad to move that, Mr. Chairman.

Senator HARRIS. Suppose you let it include suggestions from Mr. Husband as to the Johnson bill.

The CHAIRMAN. That is entirely a separate subject about perfecting the present law, and I do not know that it will ever happen.

Senator HARRIS. But I would like to have his criticism of the Johnson bill.

The CHAIRMAN. You may ask him for it now.

Mr. HUSBAND. Speaking of the Johnson bill, I have here the Johnson bill as Senator Reed has proposed to amend it. In the main it probably includes whatever recommendations I would have to make in connection with perfecting or amending the present law. The bill in its present form is, in my opinion, admirable.

Senator REED. You mean as amended.

Mr. HUSBAND. As you have amended it, in that it differs from the bill as originally proposed or even as reported from the House committee by aiding simplicity.

What I have said in my annual report as to the method of regulating immigration was based on the theory that it is a simple mathematical proposition, and I know of nothing that could so lend itself to such easy administration as something that is mathematical and about which there can be no misunderstanding.

The trouble with the present law, to some extent, is that a good many of the proposals that have been made take a simple mathematical proposition and complicate it by exceptions to the exemptions, such as "if" and "whereas" and "provided also." Those are the things in an immigration law which cause the trouble. One trouble with the present immigration law is that section 3 sets up some 30 classes of individuals who may not be admitted to the United States.

Senator COPELAND. It is very difficult to apply the multiplication table to human beings.

Mr. HUSBAND. I was going to speak of that, Senator. Whether it is difficult or whether it is not, after all it is the most human thing to do. I say the present general law sets up about 30 classes who may not be admitted to the United States, and in the same section there are nine provisos which tell us how most of them may be admitted under certain conditions. That is the thing which causes

the administrative trouble and your trouble, Senator Copeland. It is not the terms of the law that this person shall be kept out, but making a pin hole or a loop hole big enough for them to get in. And I say this: Had the quota law been enforced from the very day it began, or from the 1st of July, 1921—and I joined in with the Secretary in those human measures which he took—had it been enforced from the 1st of July, 1921, there would have been no trouble with it. There would have been trouble for about three months and then it would have passed. The exceptions are what caused the trouble. So I say in this bill, in my opinion, there ought to be a very simple, straightforward proposition with just as few exceptions or just as few loopholes as it is possible to make. For that reason I will agree that the certificate plan is the main thing. Count them on the other side. They ought to be counted on the other side.

Taking up the nonquota matter on page 6, I would agree perfectly that an American citizen ought to have the right to bring in his wife and children and his father and mother, especially after they reach the age where they are dependents.

Senator COPELAND. What about children under 21?

Mr. HUSBAND. That is something that while it works does so very badly in some cases. The law now says 18 years of age. In other cases if it were 21 you would see people coming in who ought to come on their own responsibility. But I do not think that matters. I would be perfectly willing as an administrative officer to say a minor child, which means 21.

Senator KING. Why should we make any exception in favor of any relative except a wife or children?

Mr. HUSBAND. There are a great many citizens who want to bring their fathers and mothers over simply to die here. They are about the most distressing cases we have.

Senator HARRIS. If we select on the other side, why could not our consul give preference to those instead of making exceptions?

Mr. HUSBAND. He does now, and I want to speak of the preferences a little later as a possible cure for a good many of the troubles we are thinking about.

Now, as to an immigrant who has resided continuously for 10 years, and the amendment suggested here by the Secretary of State. That condition will have changed as time goes on. It would probably have to be based on those who were born in or who have become citizens of, or something of that sort, because in 10 years you could upset the whole quota law.

Senator REED. The Secretary of State suggests that we include the Island of Haiti, the Dominican Republic, and the countries of Central America and of South America. That is to take care of British, French, and Dutch Guiana.

Senator COPELAND. How do you feel about the person who has applied for citizenship?

Mr. HUSBAND. I should say that if you are going to restrict immigrations they would have no rights whatever. It is one of those hardships, but a restrictive measure does produce hardships, and an alien who comes to the United States comes voluntarily and he must understand and undergo the difficulties. You are adding more difficulties, but that is restriction.

Senator COPELAND. In other words, you think that would be an unwise thing?

Mr. HUSBAND. Very unwise, indeed; not only unwise in principle but exceedingly unwise in practice.

Senator REED. What do you think of ministers and professors?

Mr. HUSBAND. I should wipe them out entirely, but before doing that I would say that the quota instead of 10 per cent per month should be divided into 12 equal parts, so in effect you would have a monthly quota rather than an annual quota. Then you could say in truth that the quota never is exhausted. It is simply saying if you can not come this month you may come next month; we are not shutting you out of the United States, but we are delaying your coming, and with that amendment dividing it into 12 equal parts I would certainly eliminate this paragraph (c). Major Curran has spoken of that and I do not need to go into it.

Senator KING. Could you make such small time divisions as 30 days and have it operate successfully?

Mr. HUSBAND. Oh, yes, There is no difficulty in that.

Senator KING. That would be by copious use of the telegraph or cable?

Mr. HUSBAND. No; there would be no complications. It would be simply like tickets for the theater. Here are tickets printed, say, for a three-month's run. Now, you or I go to the theater and say, "Can you sell me a seat for to-night?" The ticket agent says, "No, we are sold out for to-night, but I can give you one for to-morrow or one for the next night." That may inconvenience you or me, but it does not deprive us of the right of going to the theater, and when those tickets are gone, then no more are sold. It is the capacity of the house. When these certificates are issued to a certain number in the month that is the capacity of the quota for that month.

Senator KING. Supposing we had diplomatic relations with Russia; how would you arrange it there? For instance, a good many would sail from Odessa, and others would sail from Petrograd or come by the way of Warsaw. How would they keep in touch with each other so as not to exceed?

For instance, forty or a hundred apply at Odessa on the 25th, and a hundred apply at Petrograd, and a hundred apply at Minsk to go out on the railroad and the entire quota was 100 for the month with 300 applying.

Mr. HUSBAND. I would arrange that in this way: We have had three years' experience as to where people do apply, where they may be expected to apply. Say that 500 certificates are issued for a month. I would allot those in the main part to where experience has shown that the greater number apply, like in Poland where Warsaw would be the place, but Poles apply for certificates or apply for visés at London or Paris or Berlin or Montreal, occasionally one in South America, and some in China. I would allot to those different consulates the number which experience has shown would probably be asked for there. Then toward the close of the month if by telegraph or cable it were known that a smaller number had applied at Paris, it would be very easy to transfer certain certificates to Warsaw for the surplus. It is a reasonably simple matter. There would be some hardship there; it could not be done exactly, but this is a hardship bill, as I have said before.

Senator COPELAND. Would those tickets be good in any other month than the one for which they were issued?

Mr. HUSBAND. There has been more or less discussion as to the period within which those should be good. As Major Curran said, it has been six months and it has been reduced to two. At first I was inclined to six months, on the theory that to avoid hardships a man wants to know whether he can come to the United States before he sells his cow. That is the usual illustration that is used. Now he gets his certificate and knows that he can come to the United States and he ought to have time after that to close up his business in a humane way. It frequently happens that a family is all ready to come and a child is taken sick with measles or mumps and a whole family is delayed two weeks waiting for the recovery of the child. The life of a certificate would cover a thing of that sort, and I think four months would probably do it. Major Curran and I do not quite agree on the piling up in the spring; or even that they are going to get their certificates and then wait to come at a convenient season.

Senator KING. I would see no objection, Mr. Husband and Senator Reed, to vesting some discretionary power to extend that for some contingency of the character that you have just referred to, but it would have to be subtracted; that contingency would have to be kept in mind with respect to some other month and subtracted from that month, would it not?

Mr. HUSBAND. You have subtracted, Senator King, when you issued the certificate. They may use it; they may never come; but no one else comes in their place. That certificate when issued is outside and has gone. We have tried to remedy that with some proposal that they might be redeemed, etc., but the simplest way is to let somebody else take a chance on that.

Senator REED. I have tried to remove as much discretionary power from the Secretary and the Commissioner as possible, because whenever there is discretion it means a bombardment of them and of us.

Senator COPELAND. What were you going to say about their piling up in the spring?

Mr. HUSBAND. Major Curran feared that they would get their certificates and hold them and then come at a time convenient to them.

Senator REED. In four months they can not do that?

Mr. HUSBAND. No; and I do not think they would do it any way because with restricted immigration they are so anxious to get here as early as they can, and even in the days of free immigration the largest percentage that ever came in one month was slightly over 16 per cent of the year's immigration in May, 1907, and that was based on 20 per cent of the present quota law. You wanted to allow for that, but in practice it is utterly unnecessary to do that because the number who want to come is so large that I am sure the issuance of certificates on a four months' basis will regulate itself.

The CHAIRMAN. Would your view be that four months is a reasonable time?

Mr. HUSBAND. Four months is a reasonable time, and I would not worry about six or five months, but four months ought to take care of the case.

Senator REED. How about the next exception?

Mr. HUSBAND. The next exception I should certainly wipe out.

Senator COPELAND. That is on page 6?

Mr. HUSBAND. Page 6, beginning in line 23.

Senator COPELAND. You are going to cut that out?

Mr. HUSBAND. I would cut that out, and if you feel that skilled labor is needed I would adjust the quota to cover it.

Senator REED. That has been in the law a long time.

Mr. HUSBAND. In the contract labor law.

Senator REED. Has it ever been used?

Mr. HUSBAND. Yes; it is used, and if you are amending the general immigration law I would suggest some changes in that. It is antiquated.

Senator REED. You think this would be abused?

Mr. HUSBAND. Absolutely.

Senator REED. Then, of course, with that would go the provision of the wife of a skilled laborer.

Mr. HUSBAND. Yes.

Senator COPELAND. Mr. Husband, you would be in favor of cutting out paragraph (c) on page 6 about the ministers and professors?

Mr. HUSBAND. Yes; by giving 12 equal quotas.

Senator COPELAND. Suppose the University of Michigan wants a professor of history.

Mr. HUSBAND. If you will pardon me there, when I get through with what I have here I will tell you what I would do. Having wiped these out—it is easy to tear down but not always so easy to build up—I would then give preference in the issuance of certificates. I would vest that in the authority to take care of obvious cases of that sort.

The CHAIRMAN. Mr. Husband, the Senate is now in session and the Committee on Appropriations, I understand, has sent for you. You can not be here to-morrow?

Mr. HUSBAND. No, sir; I shall be in Providence.

Senator REED. This is so interesting and so profitable that I think it would be a good plan to go ahead this afternoon.

The CHAIRMAN. I quite agree with you, Senator Reed. Could you be here on Saturday morning at 10 o'clock, Mr. Husband?

Mr. HUSBAND. On Saturday I could be here.

Senator COPELAND. I will be out of town Saturday, Mr. Chairman, but that does not matter, you could go ahead without me.

The CHAIRMAN. I think if we want to give further consideration to these matters it will be necessary to let them go over until next week. Suppose we take a recess until Wednesday morning at 10 o'clock. That will give us an opportunity to digest some of these things. Can you be here, Mr. Husband?

Mr. HUSBAND. Yes, sir.

The CHAIRMAN. Your testimony is very valuable. The committee, then, will take a recess until Wednesday morning next at 10 o'clock.

(Thereupon, at 12.05 o'clock p. m., the committee adjourned until Wednesday, February 20, 1924, at 10 o'clock a. m.)

## SELECTIVE IMMIGRATION LEGISLATION

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WEDNESDAY, FEBRUARY 20, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment, in the Immigration Committee room, the Capitol, at 10 o'clock a. m., Senator LeBaron B. Colt, presiding.

Present: Senators Colt (chairman), Willis, Reed of Pennsylvania, King, Harris, Harrison, and Copeland.

Also present: Senator James E. Watson, a Senator from Indiana.

The CHAIRMAN. The committee will please come to order. There is a quorum present. Mr. Henning is present with us, and, as he has another important engagement, the committee will hear him first.

### STATEMENT OF HON. EDWARD J. HENNING, ASSISTANT SECRETARY OF LABOR

The CHAIRMAN. Mr. Henning, we had the Johnson bill before us, and incidentally, of course, in connection with the Johnson bill we were considering the workings of the present quota law, and we would be very glad to have you state in your own way how you regard the present immigration situation, and what changes you would make, either in the present quota law, or in the provisions of the Johnson bill.

Assistant Secretary HENNING. I thank you, Senator. Of course, you do not expect me to address myself to the size of the quota, or the bases of quota, which is purely policy and a matter for Congress; but to the administrative machinery, I take it.

The present quota law, and the difficulties of administration, consist very largely, as I see them, in the exceptions; the irregularities, if you please, in administration created, first by the provision of not more than 20 per cent shall come in any one month; that has created a situation which brings about the result that 90 per cent of all quota aliens arrive in the first five months of the year. There is a great rush, not only during the five months, but every month, and we have the rush because the monthly quotas are exhausted. My experience in dealing with the appeals—and for the first year and a half of the present quota law I handled all the appeals of the Department of Labor—has led me to the conclusion that the quota should be divided into 12 instead of 5, or, in other words, limit the number that may come in any one month to one-twelfth

of the yearly quota, thus making all the months alike, and doing away with the necessity for rushing, and thus making the machinery alike year in and year out, no matter how long the quota law is enforced. In other words, if you can not go this month, you can go next month, or the next month. The Johnson bill, I note, provides for 10 per cent per month.

Senator REED of Pennsylvania. An amendment has been suggested here to make that one-twelfth of the annual quota.

Assistant Secretary HENNING. Yes, sir. Personally, I think that is the correct doctrine. The philosophy of the Johnson bill, as I see it, of 10 quotas and then permitting the exhaustion of the annual quota in the next two months would bring on that same struggle and rush. And I see no particular reason why the quota should be filled of any nationality. I should say allow for a margin of 10 per cent; if the quota figure adopted is not large enough, make it larger, but let us not have the necessity for a rush at any time during the year in order to fill some quota.

Senator REED of Pennsylvania. What do you think of issuing certificates up to a certain number?

Assistant Secretary HENNING. Yes; in my judgment that is the best thing that has developed in connection with our immigration machinery. No one can tell just how it will work until it is put in operation, but it would do away with the excess quota arrivals. It would bring a degree of certainty to the alien before he starts. The suggestions of examinations at European ports does not cure the evils or the tragedy that has come to the emigrant who has converted all his assets into cash and started to go to America. Some of them travel a thousand miles before they get to the European port, and if they are turned down there the tragedy is just as complete as if they came to Ellis Island.

Senator COPELAND. What is the answer to the politics and the influence that is brought to bear here and in Europe?

Assistant Secretary HENNING. I can not answer that, Senator. I never heard that suggestion before. I take it that is possible. I believe, however, that where the alien goes to the nearest consul, the chance for political maneuvering is less than if it is all concentrated in Washington, and the question of whether or not he is admitted.

Senator COPELAND. Do you not think it would be a good idea to move some of it out of Washington?

Assistant Secretary HENNING. Yes; I do. I had not thought of that. I do see it. But it would seem to me it would be a very minimum of political wire pulling for certificates. The certificate of course, would not be an open sesame for admission. The alien would still have to meet all the tests of the law upon arrival here. But the great virtue, as I see it, is that the alien may have the question determined, to a reasonable degree, of his admissibility when he arrives here before he leaves his home town; before he leaves his job.

Senator COPELAND. When he applies for a certificate?

Assistant Secretary HENNING. Yes, sir.

Senator COPELAND. How many persons can issue that certificate? Every consul?

Assistant Secretary HENNING. Well, unquestionably every consular office in Europe.



Senator KING. You would have to keep in touch with every consular office in Europe?

Assistant Secretary HENNING. Yes, sir.

Senator KING. And furnish the certificates?

Assistant Secretary HENNING. Yes, sir.

Senator KING. And you would know, of course, who they were, and the number, within certain limits, applying at a certain port, and you would adjust your certificates as to the possibility of migration from that port?

Assistant Secretary HENNING. Yes, sir.

Senator REED of Pennsylvania. You understand, Mr. Henning, the bill provides for the printing by the department here?

Assistant Secretary HENNING. No; the Department of State.

Senator REED of Pennsylvania. Well, they go through the Department of State.

Assistant Secretary HENNING. No; the certificate will be issued by the Secretary of State, and be distributed by him through his own consular officers.

Senator REED of Pennsylvania. Well, whoever distributes them there, there would be only the number distributed which would be the quota for that month.

Assistant Secretary HENNING. Yes, sir.

Senator REED of Pennsylvania. So there would not be any question of notifying the consuls when the quotas were exhausted, because they would have no more certificates to issue.

Assistant Secretary HENNING. No. This is the way, I assume, it would work: We will assume that the number applying in Poland is 500 a month. There are a certain number of consulates in Poland, and there other consulates in Europe. Our experience has taught us how many per visés or passports govern any nationality. The Secretary of State would issue those 500 certificates for the month of August, and send 400, we will say, to the principal consulate in Poland for distribution among the consulates in Poland. He would send 25 to London; 25 to Paris; and 25 to Berlin, and then in a few days the applications there would tell the consular officers what the requirements would be for the month of August. And then if there are more needed in London and not so many in Berlin, they can be switched.

Senator COPELAND. Suppose we find only 490 are used in August, what do we do?

Assistant Secretary HENNING. They are canceled; they are dead.

Senator COPELAND. They do not go on?

Assistant Secretary HENNING. No, sir. We figure on a 10 per cent wastage.

Senator KING. Allowing for a margin?

Assistant Secretary HENNING. Yes, sir. Assuming the quota you adopt would be the same as now, 360,000, in round numbers, in a year. I should say that 10 per cent would not be filled under the system proposed; that about 3,600 certificates would remain unused. And my answer is, there isn't any pressing reason why the quota should be fully exhausted. If you want more people, make the quota larger.

Senator KING. And if they do not take advantage of the quota during the month, that is their own fault.

Assistant Secretary HENNING. Yes; it is canceled. The certificates should be distributed far enough in advance to give an opportunity for their use.

Senator REED of Pennsylvania. Have you seen the quotas on page 37 of these proposed amendments that have been printed?

Assistant Secretary HENNING. No; I have not.

Senator REED of Pennsylvania. It comes to a total, under the proposed amendment of 388,000.

Assistant Secretary HENNING. Yes, sir.

Senator REED of Pennsylvania. With 10 per cent of wastage, that would mean that the actual immigration was slightly less than under the present law, would it not?

Assistant Secretary HENNING. Yes, sir. And then if you want it higher than that, you increase your percentage. But you must figure, in my judgment, under this system, on about a 10 per cent wastage of certificates.

Senator KING. Do you not think, in view of the great demand for migration from European ports particularly, and from southern and southeastern Europe, where such a large number come from, that they will consume the entire amount during the summer?

Assistant Secretary HENNING. No, sir; I have no doubt there will be some wastage.

Senator COPELAND. The wastage will come from the overlapping, with the 25 that will not be used in London, etc.?

Assistant Secretary HENNING. As I understand, the State Department is in daily touch with its principal consulates throughout the world; it gets daily reports. Those things could be included in those reports, and if on the 15th of the month the certificates in Berlin are exhausted and apparently are not going to be exhausted in London, it is simple enough to send 10 or 15 to Berlin. They can be used up fairly closely. You see they should be issued six months in advance. Now, I know the Johnson bill gives the alien 60 days to come after the issuance of the certificate. I think that is a little short.

Senator COPELAND. Did we not change that, Senator Reed?

Senator REED of Pennsylvania. It has been suggested here that we make it four months. That would take care of much of the seasonal lumpage, and still give the emigrant a chance to sell his cow.

Assistant Secretary HENNING. Well, I think that will make it a little better. Of course, we have had this seasonal lumpage, but after all is it not better for us if the immigrant comes in the spring or summer, rather than in the middle of the winter? Here is a new family in a strange country seeking adjustment, and it is much harder for him and his family to adjust themselves in the winter, when there is cold weather; it is much easier to adjust themselves in the summer than in the winter. If you dump a family into a city in the winter, in cold weather, it is harder to adjust them than in the summer.

Senator COPELAND. What is your feeling about the number of months; is four months too much?

Assistant Secretary HENNING. No; I think you might as well make it a year. What is the difference when they come? If there isn't any need at the time, the steamship companies would naturally

adjust it just as before, although it was larger in the summer than in the winter, but nothing serious.

Senator KING. That would mean that a large number might obtain their visés in the spring or summer and postpone their coming until the fall.

Assistant Secretary HENNING. Yes, sir.

Senator KING. Because they might have to wait to get ships.

Assistant Secretary HENNING. Yes, sir.

Senator COPELAND. Is there any objection to that?

Senator REED of Pennsylvania. The objection comes at our ports.

Senator COPELAND. Let us have that answered right now. Why not ask Commissioner Curran about that now, Mr. Chairman?

The CHAIRMAN. Very well. We will be glad to hear from Mr. Curran about that.

**ADDITIONAL STATEMENT OF HON. HENRY H. CURRAN, UNITED STATES COMMISSIONER OF IMMIGRATION AT ELLIS ISLAND, N. Y.**

Mr. CURRAN. Mr. Chairman, with great respect, my experience at Ellis Island, where the peak of the load was during a few months of the 12 months, has been that we could not properly inspect. That was since the old days, before we had the inspection we have now, where the inspection was a much simpler matter than it is to-day. Under the conditions as they are to-day, if you have the peak of the load 20 per cent in one month, we can not properly inspect. The force would have to be increased greatly, in my opinion, to bring about a proper inspection of the immigrants, with the result that in the other months the force would have to be diverted to other duties, as it is now; there is always plenty of work left to do. But you would have a thorough inspection in only a few months. We are doing that now, but not thoroughly, when the peak of the load comes. If you let the immigrant come within four months of the time of receiving his certificate, I am prepared to go along with the four-month proposition, as voiced by Senator Reed. But with anything further, that makes inspection incomplete and inadequate.

Senator COPELAND. Major, would you compromise on six months?

Mr. CURRAN. Well, I am afraid I am not in position to compromise, Senator. I try to offer suggestions, in the light of the experience we have had at Ellis Island. But if I had the say, I would say not more than four months, from our administrative experience. The traffic must be directed, as well as the country protected against the character of immigrant, and I think we have reached the point where we must direct it. Experience shows that we must have control of the traffic, as a traffic cop has in New York. I see no hardship on the immigrant to conform to a proper amount of control.

Senator COPELAND. I am trying to get my dear old father and mother to come down to see me from Detroit, and they think they must have more than two months' notice. It seems to me that four months' notice is rather short for an immigrant to leave his home country.

Mr. CURRAN. Senator, the immigrants come anyway, most of them have not even that now. All they need is a steamship ticket, and a

certificate, and they are on the way. I know about the brother and sister of my German cook at home, who went back last summer; and she found conditions very bad, and she sent the money back to bring her brother and sister over, and it took them about 20 minutes to sell out the farm in the middle of Germany, and get ready to come.

Senator COPELAND. Major, but it might be that six months might give them a chance to change their minds.

Assistant Secretary HENNING. Some would not come.

Senator KING. Mr. Chairman, I am satisfied with four months.

Assistant Secretary HENNING. And I am satisfied with anything you do.

The CHAIRMAN. Mr. Curran, you agree with the first proposition of Mr. Henning, which seems to be indorsed by almost everybody, that instead of dividing the quota into sixths, it be divided into twelfths; that is, to have one-twelfth of the quota arrive every month?

Mr. CURRAN. I thank you for the question, Senator. I was otherwise minded, but by Mr. Henning's talk this morning I am convinced that one-twelfth is right.

Assistant Secretary HENNING. Every month alike.

Mr. CURRAN. Every month alike, one-twelfth every month is right.

The CHAIRMAN. Mr. Curran, do not the immigrants desire to arrive in warm weather?

Mr. CURRAN. Yes; they do.

The CHAIRMAN. Then what we are to change now is the arrival of the immigrant in the United States under the quota. Now, the quota should be one-twelfth, instead of one-sixth each month; that seems to be universally admitted. But that is not sufficient. You want to provide additional safeguards at the port of arrival through the immigration certificates issued by the consulates, and the question now is as to the time that those certificates should run. And your general opinion upon that subject is that they should not run over four months, is it not?

Mr. CURRAN. Yes, sir.

Senator COPELAND. Mr. Chairman, while we are on that, let us ask Mr. Husband what he thinks about it, and we will have that subject cleared up. How do you feel about it, Mr. Husband?

The CHAIRMAN. What do you think, Mr. Husband, as to the length of time the certificate should run?

Mr. W. W. HUSBAND (Commissioner General of Immigration). Mr. Chairman, in my opinion it is not material whether it is four months or six months or even a year. I think any situation is not likely to arise in Europe that would make the immigrant deal in futures to any great extent, so that he would get a certificate before he intended to use it. Some might.

Senator KING. You mean, as soon as they get their certificates, they will come?

Mr. HUSBAND. As soon as they get their certificates they will come. Perhaps four months is a reasonable time.

Senator COPELAND. If you were deciding the matter yourself, what would you say?

Mr. HUSBAND. I would say six months.

The CHAIRMAN. I think the Johnson bill provides six months.

Mr. HUSBAND. For this reason, Senator Copeland: I have seen cases where the families were ready to come; they had the steamship ticket, and everything prepared, and a child might be taken sick, which would delay the coming of the whole family for two or four or six months. And then they would be unable to come.

Assistant Secretary HENNING. Or separate the family and leave one over there, and the rest come.

Mr. HUSBAND. Yes. And it was for that reason I had in mind a reasonable length of life for the certificate. I would not object to four months, and maybe six months. There is the usual seasonal fluctuation. I went over, I think, 10 years immigration by months to see how great that fluctuation was, and I believe it was in May, 1907, it was 16 per cent of the total for the whole year came in May. That was the highest.

Senator COPELAND. Well, suppose the owner of the certificate decides he is not going to use it, what becomes of it? Can it be issued to somebody else then?

Mr. HUSBAND. No; it is like an expired Pullman ticket, or a theater ticket. It is gone.

Senator COPELAND. I know, but with a Pullman ticket, if you tell the agent you can not use it, you can have it redeemed.

The CHAIRMAN. It is nontransferable.

Mr. HUSBAND. It is nontransferable.

Senator COPELAND. I know, but with a Pullman ticket, if you tell the consul?

Mr. HUSBAND. No, sir.

Assistant Secretary HENNING. I do not think it should be.

Senator KING. I am satisfied with that. It is nontransferable, and an expired ticket.

Senator COPELAND. I understand it is not transferable by the immigrant.

Senator KING. Suppose he dies. Should it be turned back to the consular office?

Senator COPELAND. I think it should be.

Assistant Secretary HENNING. I had those things in mind when I said there is 10 per cent wastage.

The CHAIRMAN. Suppose the immigrants send their tickets back to the consul, the consul could not issue new certificates?

Assistant Secretary HENNING. No; I do not think it would be proper to permit it, because it would cause trafficking in certificates.

Senator REED of Pennsylvania. I did not understand what you said about trafficking in certificates.

Assistant Secretary HENNING. If one had a certificate, and issued it to some one else, or sold it to some one else. It is like trafficking in homestead entries, or something of that kind.

The CHAIRMAN. Now, Mr. Henning, you are dealing with the consular certificates as a means for having an orderly arrival in New York. Let me ask you, how far do you think the consular certificate could dispense with the operation of the law of 1917 as to selection at the port of arrival? As you know, under the present law the selection at the port of arrival is very elaborate. I mean, the excluded classes are of a very large number. Stated in another way, it would be impossible, if the present law were enforced at the port

of arrival, to admit any immigrant who was not sound in mind and body. You understand?

Assistant Secretary HENNING. Yes, sir.

The CHAIRMAN. Do you think that the consular certificate, which embodies selection at the source, would in any way prevent from coming over immigrants who could not pass the selective test at Ellis Island?

Assistant Secretary HENNING. No; I do not think it would fail to bring people who can not qualify; there would be those who could not qualify.

The CHAIRMAN. What then is the main purpose of the consular certificate, aside from regulating the orderly number of arrivals?

Assistant Secretary HENNING. Two things: First, to warn those who are clearly inadmissible not to dispose of their jobs and homes and property and take a long journey which will result merely in bringing them back again, which means hopelessness and despair for the average family which has that experience; to reduce that to as near a minimum as possible. It will not be absolute. But to reduce it.

And, second, to give the alien the opportunity of knowing more definitely and fully what the requirements are before he fully embarks on his journey.

And also the excess quota arrivals. It would do away with the excess quota arrivals, because the certificates would be issued only within the numbers provided by the quota, and no one would come without a certificate. I think the excess quota is the most tragic of all.

The CHAIRMAN. Mr. Henning, is it not true—I want to relieve the impression that prevails if it is not true—is it not true that an exaggerated impression prevails as to the number of deportations under the present law?

Assistant Secretary HENNING. Yes; that is true.

The CHAIRMAN. I turn to Commissioner General Husband's report, and I find that out of 694,000 there were deported 8,080 under the operation of the present law, the past year. I find that at Ellis Island out of 600,000, only 1 per cent—a trifle more than 1 per cent, 1.1—were rejected for all reasons. I want to show that the impression concerning deportations seems to be exaggerated.

I want to get your proposition. Your proposition is that the certificate would help to regulate the number at Ellis Island; and, further, it would prevent a number from coming here who would be rejected?

Assistant Secretary HENNING. Yes, sir. Now, there are thousands of immigrants camping around Warsaw, and other points, waiting and waiting a turn for a visé, and thousands of whom never get it. Now, my thought goes not only to those rejected at the emigrant port, but those rejected by the steamships and the consuls and medical officers of steamships, whose tragedy is just as complete as those who come to the immigrant port, because they have left their home moorings, and they become flotsam, and thousands of them get into American territory. We had from Cuba, two years go, nearly 2,000 that got into Cuba, and were wanting to come to America, and were there after having been refused visé. And we have a consular report that a steamship company was organized to operate a steamship to bring

from Cuba and Vera Cruz those who could not get to America, or who were rejected for many reasons.

Senator COPELAND. Mr. Henning, is the issuance of this certificate going to act in such a way as to relieve the steamship company from guarding the health and giving the careful inspection that should be given to the immigrants before they go on the boat; or is the steamship company going to assume that since the immigrant possesses the certificate, that relieves them of any responsibility?

Assistant Secretary HENNING. The law is not changed; they are still responsible for any rejected alien, regardless of the certificate. The steamship companies have brought, in spite of the penalties they are under, a great many people that they had no business to bring.

Senator KING. We propose here to make the penalty very much larger than the present penalty.

Assistant Secretary HENNING. Yes, sir.

Senator COPELAND. What I want to get at is this: Whether the steamship company is absolved from any of these things?

Assistant Secretary HENNING. No, sir.

Senator COPELAND. But that will be the first excuse you will get: "This man has a consular certificate."

Assistant Secretary HENNING. Senator, the argument is just as potent to-day, "This man had a passport viséed, and we supposed he had the right to come." In spite of what the truth is, if he is found inadmissible he believes that the visé was the open sesame for his admission. And lawyers and Members of Congress, and all sorts of good people come to our office and argue, and say: "Why did you visé this man's passport and then not admit him when he comes here? The \$10 for a visé represents a fortune in Europe. Why have you done this?" And the immigration certificate may be a substitute for the visé.

Senator COPELAND. Now, how much of an examination do you expect the immigrant is to have in the consular office before he gets this certificate? Do you understand a representative of the Public Health Service is going to look that man over?

Assistant Secretary HENNING. Well, Senator, that will have to be a matter of experience as we go along. We will be pioneering, I admit.

Senator COPELAND. You will find a great difference in consuls.

Assistant Secretary HENNING. Yes, sir.

Senator COPELAND. There are some offices where their visé is good. Senator King and I are liable to brag about Warsaw, and the work of Mr. Keen. If that sort of inspection were given the applicant for a certificate in every consular office, Major Curran's work will be much less here.

Assistant Secretary HENNING. Undoubtedly.

Senator COPELAND. Because you will have a cleaner, better immigrant to deal with.

Assistant Secretary HENNING. Yes, sir.

The CHAIRMAN. Mr. Henning, coming practically to this certificate now, the Johnson bill provides by statute that a petition shall be filed by the immigrant, a petition which he must sign and swear to, somewhat in detail. The certificate recites certain facts; not so much in detail. Another bill, proposed by Secretary Davis,

would leave the regulation of the form of the petition which the immigrant should present to get his certificate with the State Department, or the State Department in combination with the Labor Department.

Assistant Secretary HENNING. Yes, sir.

The CHAIRMAN. In view of the possible international relations—assuming that you might get into the diplomatic field under the Johnson statutory provision—is it your opinion that it would be better to adopt the Johnson bill, which sets forth in the statutory form the petition and all the details, or do you believe it would be better, in view of the fact that the selection at the source is a somewhat delicate question, to leave the regulations to be prescribed by the Department of State as to the form of petition which the immigrant shall present before he gets his certificate?

Assistant Secretary HENNING. Well, I will answer that this way: I think it is always a mistake to legislate too much in detail from administrative functions of a law. Law enforcement and law evasion represents more or less of an equation always. As the methods become more refined, the methods of enforcement are improved. And no matter what safeguard you throw about it some trick is always devised that more or less gets around it; and if your machinery is frozen by legislative enactment, you have no means of meeting it by new methods.

Senator COPELAND. Mr. Henning, does it not also work this way: That if you leave too much to the voluntary action of your administrative officials, that influences will be brought to bear to make it hard for one and easy for another?

Assistant Secretary HENNING. Well, the regulations would be made by the Secretary of Labor and the Secretary of State. It would not be left to the individual immigration officer. But the regulations made by a Cabinet officer within the statute have the force of law.

Senator REED of Pennsylvania. Mr. Henning, let me ask you whether in the following questions you discover anything that would be a hardship on any one coming from a foreign government: The immigrant shall state in his petition his full and true name; age, sex, and race; the birthday and birth place; places of residence for five years preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description, including height, complexion, color of hair and eyes, and other marks of description; ability to speak, read, and write; names and addresses of parents, and if neither parent is living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend, and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether he was ever in a prison or almshouse; whether he or either of his parents were ever in an insane asylum.



Those are the requirements that the Johnson act requires to be in the application.

The CHAIRMAN. Senator Reed, has the Johnson act been amended striking out the provision that the immigrant should come under governmental report?

Senator REED of Pennsylvania. Then it goes on, if he claims to be a nonquota immigrant, the facts on which he bases his claim, and such additional information as the Secretary of Labor may specify; and I would broaden that by giving the same power to the Secretary of State.

Assistant Secretary HENNING. Yes; I think that is all right. I see no objection to that.

Senator REED of Pennsylvania. And then it goes on that the immigrant shall furnish to the consular officer, with his application, copies of his "dossier," and prison and military record, if any, a certified copy of his birth certificate if required by the country of his birth, and copies of all available public records concerning him kept by the Government to which he owes allegiance. I would have that to read, "his birth certificate, if available," because it is a practical difficulty in many cases to obtain one in his government. Those documents are to be attached to the application and become a part thereof. Then he shall further state whether he is a member of each of the excluded classes under the present immigration law. Does it strike you that those requirements are unwise?

Assistant Secretary HENNING. Oh, no; I think those are all right.

Senator KING. Senator Reed, does not that require a statement from the applicant as to his physical condition and his freedom from contagious or infectious disease?

Senator REED of Pennsylvania. That would be required, because those are among the excluded classes specified in the act of 1917.

Assistant Secretary HENNING. Here is my point. When you enumerate in the statute the questions that must be asked, you provide, by inference, that other questions may not be asked.

Senator REED of Pennsylvania. But the bill as drafted says, "Such additional information as the Secretary of State and the Secretary of Labor shall by regulation prescribe."

Senator COPELAND. Why not include in this list the presentation of a health certificate?

Assistant Secretary HENNING. I think it should be stated.

Senator COPELAND. I will answer that question myself. Nine times out of ten this individual would come along without any health certificate, and he would say, "Let your doctor examine me."

Assistant Secretary HENNING. I think the health certificate would be the first requirement.

Senator COPELAND. The point I have in mind is this. I think it is a shame to have people coming over here with trachoma or some other ailment—

Assistant Secretary HENNING. Ringworm of the scalp.

Senator COPELAND. Yes. Now, if the certificate issued included a health certificate showing the absence of these things, much of the work at Ellis Island would be done away with.

Assistant Secretary HENNING. I think there should be a medical examination as a part of the examination.

Senator COPELAND. Is there any objection that you know of?

Assistant Secretary HENNING. No, I think not.

Senator KING. Senator Copeland, do you mean a health certificate from the health officer of the country from which he comes?

Senator COPELAND. I do not think I would say from whom.

Assistant Secretary HENNING. A health statement.

Senator COPELAND (continuing.) Because that could be checked up by the physician at the consular office.

Senator WILLS. I want to pursue a little further the inquiry suggested by Senator Reed. Mr. Secretary, do you think there would be any diplomatic difficulty about this particular suggestion here: "Copies of all available data and decrees concerning him kept by the government to which he owes allegiance"? Are you not getting onto thin ice there?

Assistant Secretary HENNING. Of course that is a question. I see nothing now—

The CHAIRMAN. Mr. Henning, a prominent Russian, who was opposed to the Soviet Government, and was a resident of Constantinople, I think, before he came over here, mentioned the fact that there were hundreds of Russians who now had left Russia and did not dare to go back, the better class of Russians, and that it would be impossible for that class to fulfill that requirement as to the governmental record.

Assistant Secretary HENNING. Yes; that is what I mean when I say that it could be required by regulation from those who can furnish it, and yet make it possible to issue certificates to those who can satisfy the consul that it is impossible for them to furnish certificates.

Senator REED of Pennsylvania. This act as it stands requires those things to be furnished only if they are available.

Assistant Secretary HENNING. Yes; that is right.

Senator REED of Pennsylvania. And if it appears that the gentleman will be executed if he attempts to secure them, I should say they were not reasonably available.

The CHAIRMAN. My objection to this proposition is that if you make this petition too elaborate it will repel the self-respecting immigrants of the classes you exclude. The law should be simple. Can you not accomplish all you want under the immigration certificate by having simple regulations laid down by the Department of State so as to guard against that?

Assistant Secretary HENNING. I agree with you perfectly, Senator, that the law should be simple, with the power to cover, by regulation, unexpected situations.

The CHAIRMAN. We know there are people in this country—and I appreciate their position—that are in favor of absolute restriction. That is the popular feeling. Now, are we not in danger of overloading this bill with such restrictions in the way of requirements as to the petition that an immigrant must sign to the extent that we will check all good immigration?

Assistant Secretary HENNING. It would be very hard for me to answer that question, Senator, whether it would check good immigration or bad immigration. There are a lot of people in America to-day, aliens, who have lived here many years, who have never applied for naturalization because of the fear of disclosing the

truth about themselves, and there would be a lot of immigrants who would never start if they had to meet certain tests. You see, it works both ways.

The CHAIRMAN. You have stated your general ideas. Of course you are an officer of the Government, and you might labor under some embarrassment, but as an abstract proposition you would rather leave the regulations to the Department of State, working in conjunction with the Department of Labor, than to have them formulated in a statute?

Assistant Secretary HENNING. Yes, sir. You understand, Senator, that as administrative officers we do not wish even to suggest policies. That is a matter for Congress.

The CHAIRMAN. Now, Mr. Henning, you have stated in regard to the quota, you have stated in regard to immigration certificates and selection at the source. Now, at the beginning of your testimony, as I understood you, you referred to the fact that there should not be too many exceptions in the law relating to nonquota immigrants?

Assistant Secretary HENNING. Yes.

The CHAIRMAN. We have now fixed the numerical quota, we have fixed selection, and we have fixed the number who shall be selected, I will assume, by some form of quota. Then we come to the excepted classes, what we call nonquota. Mr. Husband, and I did not know but Mr. Curran, to some extent, thought that those classes were too liberal; that there were too many exceptions, in other words. Have you anything to say upon nonquota classes?

Assistant Secretary HENNING. Yes, sir.

Senator HARRIS. Mr. Chairman, before Mr. Henning gets away from the other question I want to ask him about the matter of the health certificate. Of course there are unscrupulous doctors in Europe just as there are in our country, who will issue a health certificate for 50 cents or a dollar. What would a health certificate be worth when it is given just by any physician whatever? Would it be worth the paper it was written on?

Assistant Secretary HENNING. This would be my answer, Senator, that it would be a guide to the honest alien.

Senator HARPIS. Why could we not require that our consul should designate or select the physicians who shall make the examination, or that our mar shall do it?

Assistant Secretary HENNING. I should say off hand that that is reverting too much to the European examination.

Senator COPELAND. Senator Harris, let me answer your question, since I had the same thought in mind and I talked with Mr. Husband about it. He pointed out to me this, that if we were to require that health certificate the steamship company would feel relieved of the responsibility of making sure that the immigrant is healthy. As it is now the immigration authorities require the steamship company to make sure that the immigrant is free from trachoma or some other contagious disease or physical condition on account of which his admission to the United States is prohibited, and if the company fails to make that examination then the company must take that immigrant back again. If I understand Mr. Husband, he felt it would be a mistake to have that certificate issued and place dependency upon it, for the reason that it would relieve the steamship company.

Assistant Secretary HENNING. I do not think we should waive anything we require now. But merely to serve the honest applicant for an immigration certificate, let him be examined in any way that he may see fit, to assure himself. Of course if he is dishonest he will want to get by in spite of any regulation.

Senator REED of Pennsylvania. Does not that bring us back to the original situation? It is perfectly competent for the Secretary of Labor to require in the application a statement from the immigrant as to whether or not he has trachoma and to ask him whether he has recently been examined by a doctor to make sure of it?

Assistant Secretary HENNING. Yes, sir.

Senator REED. That puts it right up to him. And it is also up to the steamship company, and if after plain notice to him and plain warning to the steamship company they bring him over and he proves at Ellis Island to have trachoma, why, neither of them has anybody to blame but themselves.

Assistant Secretary HENNING. That is true, of course.

Senator COPELAND. If I had my way I would have all these examinations made on the other side by our people, but I understand there are diplomatic objections to that sort of thing, and we are seeking now to find a way to protect our country without involving these diplomatic rights.

Senator HARRIS. You said just now, Mr. Secretary, that we should not waive any of our requirements as to the steamship companies, and that we would not under this provision make any requirement as to certificates that would relieve the steamship company under the law?

Assistant Secretary HENNING. That is true. We would have no difficulty with the honest alien; the difficulties, of course, always come with those who want to get in willy-nilly.

Now, Mr. Chairman, may I answer your question?

The CHAIRMAN. Do you wish to say anything in regard to the non-quota classes?

Assistant Secretary HENNING. Yes, sir. My observation has taught me, Senators, that where you have a restrictive law, a limitation law, every exception is a mistake. Ninety per cent of the difficulty of trying to enforce the law is in the effort to keep people from cheating, in the temptation to lie and perjure and falsification in the effort to be counted in.

I know of no reason why there should be more than two kinds of aliens entering the United States: One kind, that comes for permanent purposes, who is an immigrant and who should be counted; second, aliens who have been travelers in all the history of civilization: the merchant, the student, the traveler, who come for temporary purposes. They should not be counted. I know of no reason why there should be any exceptions under the quota. If the quota figures are not large enough, then make your quota figures higher.

The CHAIRMAN. Of course you would except people in the diplomatic service?

Assistant Secretary HENNING. I say, those are the people who travel; they are people who come for temporary purposes, not for permanent residence, people who come for purposes other than uprooting their old anchorage and planting it anew.

The CHAIRMAN. Coming specifically to the provisions in the Johnson bill, or in the Watson bill, what classes of those that are excepted or exempted would you eliminate? Would you omit students?

Assistant Secretary HENNING. They are coming for temporary purposes. Surely, I would omit them from the quota—anyone who comes for a purpose other than permanent residence. Anyone who is an immigrant should, in my judgment, be counted in the quota.

Senator WILLIS. Whether or not he is somebody's father or mother, or anything of that sort?

Assistant Secretary HENNING. Yes, sir.

Senator WILLIS. You would have none of that?

Assistant Secretary HENNING. Yes, sir. I would give them a preference, if I could, in the way of issuing certificates on the other side. But that is where your trouble comes. I would make no exception as to country. There is no sense locking the front door and keeping the back door open. All the crookedness, chicanery, and fraud that is practiced comes from those exceptions.

The CHAIRMAN. Would you admit, on grounds of humanity, the relatives of the alien, such as the wife or husband?

Assistant Secretary HENNING. That is a question of policy, Senator. In connection with the question of humanity, there is not in the present quota law any exception for anyone coming as a refugee, either religious or political. Of course, that is a broad question of policy, and that belongs to Congress. But I would have the wife come in as a quota immigrant, and I would shut off someone else from coming in order to give her a chance to come.

The CHAIRMAN. That would be the selection?

Assistant Secretary HENNING. Yes. I would give preference in issuing certificates to the relatives that should come. There is a lot of fraud practiced under the claim of relationship that does not exist.

The CHAIRMAN. Let me ask you this question. You have fixed your quota rigidly, with selection at the source and selection at the port of entry. Now, you want to guard against exceptions?

Assistant Secretary HENNING. Yes, sir.

The CHAIRMAN. Now, under the Watson bill there is another kind of certificate that is issued, called a special certificate?

Assistant Secretary HENNING. Yes, sir.

The CHAIRMAN. That special certificate involves the proposition that we should delegate to the Secretary of Labor the power to issue a special certificate under certain regulations, on petition of a citizen, etc., covering three or four distinct classes?

Assistant Secretary HENNING. Only two, as I recall it, Senator.

The CHAIRMAN. Well, even two, as he has modified it, covering the relatives of an immigrant.

Assistant Secretary HENNING. The relatives of an American citizen.

The CHAIRMAN. And secondly—and this is most important, meeting economic conditions—covering skilled and unskilled labor, and as the act was originally framed, covering seasonal labor from Mexico and from Canada.

Now, having fixed your rigid quota law, with only those two exceptions that you mentioned, you have not met the proposition of

humanity in exceptional cases. Would you lodge in the Department of Labor some power and make the law elastic, in a way, with regard to relatives and with regard to labor?

Assistant Secretary HENNING. Senator, the labor factor is, of course, bringing into the immigration law—

The CHAIRMAN. I am asking you whether you would make the law flexible, on grounds of economy and on grounds of labor necessity, by lodging the power in the Secretary of Labor to admit certain other classes?

Senator COPELAND. And on grounds of humanity.

The CHAIRMAN. On grounds of humanity and on grounds of economic necessity.

Assistant Secretary HENNING. On grounds of humanity, Senator, I do not think I would want to answer the question, because as I have said before, it is a broad question of policy.

Senator COPELAND. Your experience, however, Mr. Henning, must have taught you whether it is desirable to have such power lodged in some hands. For instance, we have heard so much about that little boy from Smyrna who came over here. Under this interpretation of the law he might have to be sent back. Somebody, it seems to me, ought to have that power to exercise judgment in case of necessity.

Assistant Secretary HENNING. If Congress thinks some one should have discretion, on grounds of humanity, I think the Secretary of Labor, under the present law, is the man to exercise it.

The CHAIRMAN. There was in the original quota law provision that the Secretary of Labor should have power, upon grounds of humanity, to make exceptions. That was stricken out in the Senate—

Assistant Secretary HENNING. Both Houses, I think, voted against it.

The CHAIRMAN. My firm conviction is that you must have some power, on grounds of humanity, to make some exceptions to this rigid, iron-clad rule, but I would make it an administrative power.

Assistant Secretary HENNING. Yes; I think that if Congress believes in that policy, then the Secretary of Labor is the man to exercise it.

Senator HARRIS. Would you not want to limit that, Mr. Chairman?

The CHAIRMAN. The objection in the Senate was that if that power were lodged in the Secretary he might abuse it. The answer to that is that we lodge enormous powers in the President and in the heads of departments. Sometimes they abuse that power, but, as you know, that happens very rarely. This idea that you can not trust an administrative officer to obey the law is, to my mind, quite unfounded, because the whole executive establishment is based upon the broad proposition of the delegation of powers.

Senator COPELAND. Is it not like the executive clemency that a governor may exercise?

The CHAIRMAN. Yes.

Assistant Secretary HENNING. It would seem to me that somebody should have that power.

The CHAIRMAN. We have these cases of tragedy, and the very men who want a total suspension of immigration will come to me and tell me, "My God! you have got to let this girl, or this boy, come in. You have got to do it. She is stranded."

In the practical administration of the law you must have some flexibility, some power to admit certain classes upon the ground of humanity. You are bound to have these instances of hardship and suffering, and unless you provide for them you bring the whole matter of the regulation of immigration into disrepute. What is the cause of the intense feeling now against this ironclad restriction? It is largely caused by what takes place at Ellis Island, and it is perfectly curable. So there is every reason why there should be some flexibility and elasticity with regard to this ironclad rule.

You may extend that power or discretion to cases involving questions of humanity, and then you come to these other questions. Are you going to admit seasonal labor from Mexico? Are you going to admit skilled and unskilled labor under certain conditions? That is a matter of satisfying the economic demands of the country.

Senator HARRIS. If you leave it to the Secretary of Labor—and I have the very highest regard for the present Secretary; I think he is one of the most efficient men in the Government service—would it not be better to deduct from the quota the number that he would let in?

The CHAIRMAN. That is a very pertinent suggestion.

Assistant Secretary HENNING. I would count against the quota everyone who comes to stay.

The CHAIRMAN. I do not know but what that may be a valuable suggestion—to deduct from the quota those who are admitted on grounds of humanity.

Senator WILLIS. If the chairman has finished I want to pursue a little further the inquiry suggested by the chairman's question.

It is provided here by Senator Watson's bill:

That labor of a like kind unemployed can not be found in the United States, and that a strike or lockout does not exist or impend in a particular industry.

Mr. Henning, do you believe it is the proper thing to vest in the Secretary of Labor such authority as that?

Assistant Secretary HENNING. We have it now, Senator.

Senator WILLIS. You do have it now?

Assistant Secretary HENNING. Oh, yes. The law has for years provided for the bringing in of certain skilled labor under contract. It is a modification of the contract labor law, Senator, which prohibits the coming here of any alien under contract of employment. It provides that the Secretary of Labor may permit the coming under contract of skilled labor, upon a showing that skilled labor of a like kind and unemployed can not be found in the United States. We have those applications constantly.

Senator WILLIS. I wonder how the Secretary in practice goes at it to determine that labor of a particular kind can not be found in the United States?

Assistant Secretary HENNING. It is rather an elaborate system, Senator. We have a fund, segregated from the regular appropriation of our department, of \$100,000, under section 24 of the immigration law, under which for the purpose of enforcing the contract labor law we may employ men regardless of the civil service.

For example, an application comes from an industry. They say, "We have imported a dozen knitting machines of a new type. There is no one in this country that knows how to operate these

machines. We want six or seven men from Germany, or Great Britain, or Franch, experts, to operate these machines and to teach others."

We refer that application to some one near that town, to look into the facts, whether it is a responsible concern, and whether it is true that they have imported these machines or are about to import them. If that is shown to be true, then there is no hesitancy about permitting them to bring in those six or seven men. Usually they name the men.

About two years ago we had an application from Indiana with reference to some process in pottery, and a dozen men were brought over here especially for that purpose.

We also have right now the application of the Slate Mining Association of the United States, concerns engaged in mining slate in different parts of the country. They come along and make application, saying, "We need 500 slate miners. The slate-mining industry was slow during the war, and we have no trained apprentices. The business is now very prosperous, but we are short of slate miners. There are a great many in Great Britain, in Wales particularly, and we want the privilege of bringing in 500 of them."

They make their application in due form, and we refer it to the contract labor men in the particular locality where the industry is. They go there and make an investigation, and they use their best judgment as to the good faith on the part of the men who ask for this privilege. They usually run advertisements in the newspapers for slate miners—blind ads—and see what the response is. If there is no response and if it is not a case of trying to break a strike, a walk-out, or a lockout, the recommendation is made that they be permitted to bring them. Then they go to Europe and get the men, and usually they know just where to get them, because they have correspondents on the other side in the same industry.

Senator WATSON. Do you deduct those from the quota?

Assistant Secretary HENNING. Yes, sir; those are now counted in the quota. We can not grant those applications when the quota is exhausted.

Senator WILLIS. Then when those people once get here they are here permanently?

Assistant Secretary HENNING. Yes, apparently. That is a rather unsettled question now, and we often have debates right in the department whether those people are here for permanent purposes or not. A great many come with the declaration that they are coming temporarily, merely to help out, and then go back, but most of them desire to stay.

Senator WILLIS. I see the full force of your very lucid statement so far as it relates to skilled labor, but I am mindful of the arguments that were urged here last year when we were having hearings, by very many gentlemen who were demanding some sort of relaxation so far as unskilled labor was concerned. How could that be worked out practically?

Assistant Secretary HENNING. I do not know, unless it could be on the same lines as we now deal with skilled labor. It is a perplexing thing in my mind, and I am not clear just how it could be worked out.



And then, of course, we have this situation, which people in the interior do not know, that in the northern New England States, and all along the Mexican border, and in fact anywhere along the exterior land borders of the United States, it has been a common practice in agriculture and in industry to bring in seasonal labor without ever saying a word to anybody. They must go and bring them across. The Maine and New Hampshire lumbermen have been accustomed to draw heavily from Canada for seasonal labor. The farmers down on the Mexican border, in Arizona, New Mexico, southern California, and Texas, have got in the regular habit of having the Mexicans come across for seasonal labor, in the cotton fields, and so on.

Immediately following the war, I think within a week or two after the armistice was signed, Secretary of Labor Wilson made an order granting permission to bring in Mexican labor without requiring the literacy test or the head tax, under contract, to work for the ranchers and farmers and sugar-beet planters and cotton raisers, under a bond for their return to Mexico. There was no real authority for it in the law, except on the ground of war emergency.

Senator WILLIS. I think we had an instance of a large number brought in in that way, and we subsequently enacted legislation here permitting them to stay. That illustrates the embarrassment which may be caused to the Secretary of Labor. There might be a question of wages involved. Perhaps if the employer offered more wages he could get the men. I should not want to be in the position of the Secretary of Labor under that kind of law.

Assistant Secretary HENNING. Here is another point. We have been accustomed, as far as I can read the literature of immigration, to regard the problem of immigration as a problem of wage earners rather than as a question of who shall be the citizens of this country now, to-morrow, or a century from now. I think there is a clear line of cleavage between the purely economic question of how to get a sufficient supply of wage earners and the question of who shall inhabit the land of our fathers.

Senator COPELAND. Mr. Henning, is a farmer a skilled laborer?

Assistant Secretary HENNING. I say he is, but everybody else says he is not.

Senator COPELAND. I tried to pin the Secretary down on that the other day, but he dodged it.

Assistant Secretary HENNING. I was born and reared on a farm.

Senator COPELAND. The most skilled laborer in the world is the farmer. He is electrician, mechanic, blacksmith, veterinary surgeon, horticulturist—he is everything.

Assistant Secretary HENNING. I think he certainly is a skilled laborer.

Senator COPELAND. But when I go to your office I always get the reply that he is not a skilled laborer.

Assistant Secretary HENNING. He is so classified for purposes of administration. Mr. Husband is Commissioner General of Immigration, and those letters are dictated in his office. We sign them, but we do not express our personal views.

The CHAIRMAN. Mr. Henning, as I understand you, you now have an exception to your ironclad rule, and that is with regard to skilled

labor. That is in the present law. You would not repeal that provision, would you?

Assistant Secretary HENNING. I think that is a wholesome provision of the law.

The CHAIRMAN. That is an exception. Now, would you extend that exception to unskilled labor?

Assistant Secretary HENNING. That is a very broad question of policy, Senator. I would not like to say.

The CHAIRMAN. Would you extend that exception to what there is such a great demand for now, which comes up every year, as you know—the seasonal labor from Mexico for the cotton crop and the sugar crop, and the seasonal labor from Canada to Maine for lumbering, and the demands for harvesting labor?

Assistant Secretary HENNING. Yes; there is a good deal in custom, because that is the basis of the common law after all, Senator. The man in Maine and the man in Texas has become accustomed to getting his seasonal labor supply that way. The man in Missouri and the man in Ohio hasn't a chance; he doesn't get it. But he gets along just as well—not as well, because it is not quite as flexible, but he gets his seasonal labor. Legislation must, of course, be general. I would see no objection at all, if it were feasible, to permitting our Canadian neighbors to come in when we need help, to work for us and go back again. I would see no particular objection as to the class of seasonal labor that the South needs, for cotton picking, sugar-beet harvesting, and so on, where we can not supply the labor. Seasonal labor is one of the great economic problems of the world.

Assisting Secretary HENNING. The problem of seasonal labor is a difficult problem.

The CHAIRMAN. You do admit seasonal labor under the present law to some extent, do you not?

Assistant Secretary HENNING. I should not call it seasonal. Senator. It is limited to skilled labor.

Senator HARRIS. Have you followed up the seasonal labor that comes over here, to see whether they go back?

Assistant Secretary HENNING. The Mexicans?

Senator HARRIS. All of them.

Assistant Secretary HENNING. Well, the Canadian goes back. There is no trouble about the Canadians.

Senator HARRIS. How about the Mexicans?

Assistant Secretary HENNING. In years gone by the Mexican laborer was in the habit of coming and going, but he is more inclined to stay now. Under the present requirement they come as immigrants, they pay their head tax, and we are enforcing the immigration law with respect to them in all its phases. As a result, those that come in are more inclined to stay, and they are being brought to the North. We have complaints every once in a while wanting us to stop the movement of, say, 1,000 Mexicans that just passed through Kansas City—two trainloads of Mexicans—that they must be contract labor, that somebody must have gone to Mexico and brought them in. We have the complaint that Mexican labor is supplanting negro labor in the packing house districts of Chicago and other Western cities. We have complaints—as a typical case—that Mexican labor is supplanting other labor in Ohio and Indiana.

There were 53,000 admitted in that last fiscal year as immigrants from Mexico, and they stayed here instead of going back.

Senator WATSON. There were 10,000 came into one county of Indiana last year—Lake County—and I think they are there to stay.

Assistant Secretary HENNING. Senator, I was speaking from the standpoint of the administration of the law only. The simplicity of administration depends upon uniformity, and the difficulty of administration is increased with every exception.

The CHAIRMAN. Have you anything further that you wish to say, Mr. Henning?

Assistant Secretary HENNING. I think not, unless you have some further questions.

The CHAIRMAN. We will hear Mr. Husband.

**ADDITIONAL STATEMENT OF HON. W. W. HUSBAND, COMMISSIONER GENERAL OF IMMIGRATION, DEPARTMENT OF LABOR.**

The CHAIRMAN. Mr. Husband, my recollection is that when you suspended the other day you were discussing quota exceptions, or non-quota, and the simplification of the law. Just continue in your own way, if you please.

Mr. HUSBAND. I believe we were in the midst of the nonquota immigrant class, as provided for in the substitute bill on pages 5, 6, and 7. I believe I had said that those under (a) at the top of page 6, the unmarried child under 18 years of age, the father and mother—

Senator COPELAND. You said you were willing to have that 21?

Mr. HUSBAND. I said I would see no objection to having it 21.

Senator REED of Pennsylvania. Right on that point, Mr. Husband, I want to put this question to you. This is a situation that was stimulated by what Mr. Henning has just told us. Would it not be better to abolish entirely this class of so-called nonquota immigrants, to have just two classes, immigrants and nonimmigrants, and have all immigrants come within the quota; and then give a preference in the issuing of these visa certificates to immigrants who are the children of citizens, raising the age to 21, as Senator Copeland suggests, or the father or mother, husband or wife; have them within the quota law, but give them the first shot on the issuance of these visa certificates? Would not that be more satisfactory in administration?

Mr. HUSBAND. Perhaps not in administration, Senator, unless beginning with this particular exception—which I think nearly everyone would agree to—you add other exceptions to it. An enticing lot of exceptions have been proposed, which, in my opinion, ought to be very much limited. If there is danger of too many exceptions, I should say abolish the exceptions.

The present quota law provides for the free admission, so far as the quota is concerned, of the children of the United States citizen, provided those children are under 18 years of age. When the quota law was enacted the wife of a foreign citizen was a citizen, and was perfectly admissible. The Cable law intervened, and now she is an alien, for quota law purposes and every other purpose.

This exception has appealed to me as largely in the nature of a tribute to the foreign-born man who has become a citizen, that one to be construed together, that the quota law is not a substitute for was the right to bring in his wife and children and his elderly

father and mother. It would not complicate the law in an administrative way, in my opinion; it would rather simplify it.

Senator HARRIS. As I understand it, Senator Reed's idea is that instead of having so many exceptions in the law we should give a preference to certain people—

Mr. HUSBAND. Absolutely; yes, sir.

Senator HARRIS. And deduct their number from the quota?

Senator REED of Pennsylvania. That is right.

Mr. HUSBAND. I agree with that in principle, as the proper thing from an administrative viewpoint.

Senator REED of Pennsylvania. Do you mean we would only have one kind of visa certificate, no nonquota certificates, but that having established the right to the preference these people could come in at any moment?

Mr. HUSBAND. Yes.

Senator REED of Pennsylvania. Do you mean we would only have zenship here of their relative. That would be just as much a tribute to the naturalized alien as would be creating a special class. That would abolish all these other exceptions.

Senator KING. Senator Reed, if you will pardon the interruption, I understood that Major Curran had some very important matter to present to-day. Mr. Husband is here with us all the time, and it is getting very near 12 o'clock, and I wondered if we could not hear Major Curran on that?

Senator REED of Pennsylvania. That is a good suggestion.

Senator KING. His statement, I understand, may compel a modification of our views.

Senator REED of Pennsylvania. Major Curran has written to me that there have been some recent decisions that change the effect of the whole quota law.

#### STATEMENT OF MR. HENRY H. CURRAN—Resumed.

Mr. CURRAN. The Federal courts have within the last two years handed down some four or five decisions, one of which has been rendered within the last two or three days and which bears directly on the subject you have just been discussing, to wit, the subject of exemptions.

Senator COPELAND. What is that decision?

Mr. CURRAN. This is a decision by Judge Winslow in the District Court for the southern district of New York.

In a nutshell, the trend of the decision is this: The first decision, known as the Gottlieb decision, admitted as exempt from the quota law the wife and children under 16 years of age of a rabbi, because the rabbi was himself exempt from the quota law. The quota law did not, however, provide that his exemption should be shared by his wife and children. On the other hand, the exemption in the barred zone provision of the general law does provide that the exemption is shared by the wife and children, under 16 years of age, of the alien who is himself exempt—a teacher, a student, a minister, a merchant, if you please, and other classes.

The court in the Gottlieb decision, said that the two statutes are to be construed together, that the quota law is not a substitute for the general law of 1917 but is in addition to it. And although we all

think that is bad law, nevertheless that is the law today because the court so held.

That was the first step. There were added to the exemptions under the quota law the wives, and children under 16 years of age, of exempt husbands and fathers.

The second step was to admit the wife of an alien, an Armenian named Markarian, returning from a temporary visit abroad. Under the quota law those returning from a temporary visit abroad are exempt, and so, following the Gottlieb decision, the wife and children of the returning visitor are also exempt.

Following that, we have a student, actually exempted under the quota law, coming here permanently, not as a visitor and not as a visiting student. The student is now exempted. He is exempted under the general law, and that exemption is transplanted into the quota law.

The CHAIRMAN. What was the ground of the decision exempting a student absolutely?

Mr. CURRAN. I have the decisions here, Senator, and will leave them with you if you wish them. The ground of that decision was, broadly speaking, that anyone who is exempt under the barred zone provision of the law of 1917 is also exempt under the quota law of 1921, because the two statutes are *pari passu* and are to be construed together, and they are one and the same. That has added to the number of classes exempt from the quota law.

Senator KING. Did they get into the courts by habeas corpus?

Major CURRAN. By habeas corpus; yes, sir. The last case decided by Judge Winslow was the case of a teacher. He held a nun to be a teacher. Irrespective of whether the immigrant is a nun or any other person, Judge Winslow has held that a teacher of any kind is exempt. That does not mean merely a college professor, who is exempt under the quota law. It means all teachers.

So here is what we are confronted with to-day—and I can give you an illustration in terms of aliens admitted in the last two or three days. In addition to exemptions from the quota law, in terms, there are also now exempted wives and children of all those classes and also students and teachers. The next person who is going to be exempted is the merchant.

Senator HARRISON. Has there been any appeal taken on the part of the Government to a higher court in those proceedings?

Mr. CURRAN. Yes, Senator; the Government has appealed the original controlling decision in the Gottlieb case, and I understand it is about to be argued before the United States Supreme Court. But in advance of a possible overruling decision by the United States Supreme Court thousands of alien men, Italians, in this country have gone back to Italy and are bringing their wives and children back here, and they must be admitted because the man is returning from a temporary visit abroad, and therefore his wife and children share the exemption. It is a matter of humanity and reuniting families, and it may not be objectionable as a matter of policy. In the last week or so we have already admitted about 2,000 such Italian families, and there are more on the way. We know they are coming, because we know the Italian men who have gone back to get their families.

Now, the court has served notice that all students may come in. Well, anybody is a student; you can look it up in the dictionary and in the decisions of the courts. All teachers can come in. I have been a student and I have been a teacher; perhaps all of us have, or may become such. Then we come to the merchants. I suppose half of our immigrants from Europe are bona fide merchants, big or little. That destroys the quota law.

Senator KING. A peddler is a merchant, is he not?

Mr. CURRAN. Undoubtedly. He buys and he sells. We have court decisions on the question of who is a merchant.

Senator HARRISON. So you think the answer to all this is the speedy enactment of some law by Congress?

Mr. CURRAN. Yes; in the first place. One member of the House committee wants to introduce a bill to stop this particular rush right now. I do not know that he has done so, but he asked me for these decisions which I have brought here. That is Congressman Cable.

And that bears on the future of the whole policy of exemptions under the quota law. I agree most heartily with what Mr. Henning said at first, not with the subsequent modifications of his statement, that the fewer exemptions the better. I would cut out all of those exemptions in favor of wives and children and aged parents of citizens, and let them come within the quota. If they are required to have a quota certificate, they can not start without having that quota certificate, because the steamship company will not take them aboard. They can not go up the gangplank without a certificate after the 1st of July, if I understand the effect of this law correctly.

Senator HARRISON. Do you not think the exemptions should be deducted from the quota?

Mr. CURRAN. I think they should be deducted in this way, Senator, that the consul, who has a very broad discretion in the matter of giving out his certificates, can for humanity's sake give them to the wives and children of naturalized citizens.

Senator KING. You would give them a preferential right?

Mr. CURRAN. Yes, sir. And he can do it without the direction of the statute. You can trust the State Department to do that.

Senator HARRISON. What is your suggestion as to deducting them from the quota?

Mr. CURRAN. I think they should be charged to the quota.

Senator KING. It would reduce the number of adults materially and would bring us a larger number of children?

Mr. CURRAN. Yes; it would.

Senator HARRIS. You say there are all of these people coming over here now. Do you not think they should be deducted?

Mr. CURRAN. Oh, by all means; they should be charged to the quota. They are coming in now in addition to the quota. The Italian quota this year is getting to be a pretty big thing.

Senator HARRISON. Would you have any objection to removing the exemption and placing a preference provision in the law, so that the consular agents might follow the preferential status defined by Congress; for instance, giving children a preferential status?

Senator KING. Where the father and the mother have got their visas?

**MR. CURRAN.** What would alarm me in that is the danger of fraud in establishing parenthood and childhood. It is impossible for us to detect the frauds.

**Senator HARRISON.** But they would come within the quota?

**MR. CURRAN.** They would come within the quota; yes, sir; and I think the consul in the exercise of a wise discretion would give a great many certificates to those people.

Here is another point in that connection. We now have proxy marriages legalized by the courts, and this also within the last two or three days. A friend of the alien here stands up with a woman on the other side of the water, particularly in Spain, and the woman comes over here as the alien's wife, and she is admitted as his wife and is exempt. Then they are married. Of course that is, perhaps, a corollary to the picture bride industry. Here is a clipping from the front page of this morning's Times about a picture bride who looked over her husband for three or four days and then left him. She was discovered penniless, knowing no English, in the streets of Springfield, Mass.

We have also the case of a man 25 years old who discovers that his sister's children, his two nieces, one 18 and the other 7, have been taken to Ellis Island as in excess of the quota. Their uncle, 25 years old, adopts both of them, by an interlocutory decree, and they demand admission as exempt from the quota. We are getting new adoptions every day. Proxy marriages, picture brides, and the Ellis Island adoptions, plus Judge Winslow's decision have, gentlemen, in the vernacular, busted our quota law.

**Senator WILLIS.** I understand your very interesting statement about this decision so far as it relates to students and to families of persons returning, but I did not understand clearly whether you said there had been a decision covering the admission of merchants, or whether you feared such a decision.

**MR. CURRAN.** There has not been such a decision, but the first time it is brought up, if I know anything about the law, there must be such a decision, because it will be on all fours with the precedents already established.

**Senator WILLIS.** Of course if that happens then your whole law is completely gone?

**MR. CURRAN.** Yes; and we are going to have to face a test case as to the merchants in 30 days.

**Senator REED** of Pennsylvania. On what theory will they demand such a decision? On the ground that the merchant is exempt under the provisions of the treaties?

**MR. CURRAN.** That he is exempt under the provisions of section 3, from the barred zone exclusion. Therefore, reading the two statutes together, as the court has decided must be done, he is exempt from the quota law.

**Senator KING.** Mr. Chairman, while Major Curran is here, with these decisions fresh in his mind, in view of the difficulties which he contemplates, I suggest that he and Secretary Henning and Mr. Husband and the others get together this afternoon and consider the matter very fully and go over this question of exemptions and give us their views to-morrow morning in concrete form.

Senator REED of Pennsylvania. I would like to sit with them.

The CHAIRMAN. I have before me, which I have received from the Secretary of State, copies of all the decisions. Probably they may not be as late as those Major Curran has. I also have a long letter from the Secretary of State along the line of that the Assistant Secretary suggested. I will have them all printed for the use of the committee to-morrow.

Under the circumstances, and as the members of the committee can not stay here longer, I think we should take a recess until to-morrow.

(Whereupon, at 12 o'clock m., the committee adjourned to meet at 10.30 o'clock a. m. to-morrow, Thursday, February 21, 1924.)



# SELECTIVE IMMIGRATION LEGISLATION

THURSDAY, FEBRUARY 21, 1924

## UNITED STATES SENATE, COMMITTEE ON IMMIGRATION, Washington, D. C.

The committee met, pursuant to adjournment, in the Immigration Committee room, the Capitol, at 10:30 o'clock a. m., Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Willis, Reed of Pennsylvania, King, Harris, Harrison, and Copeland.

The CHAIRMAN. The committee will come to order.

Senator REED of Pennsylvania. Mr. Chairman, with your permission I would like to put into the record a tabulation showing the present quotas, the quotas under the Johnson bill, and the quotas under Senate bill 2576.

The CHAIRMAN. Under the bill you introduced?

Senator REED of Pennsylvania. Yes, sir.

The CHAIRMAN. Certainly; it may go in.

(The tabulation is as follows:)

### *Present quotas and suggested quotas.*

Country of birth.	Percent- age natu- ralized in 1920.	Present quota.	Johnson bill.	Reed bill.
<b>Countries having more than 50 per cent naturalized:</b>				
Denmark.....	69.2	5,619	2,785	9,566
France.....	56.7	5,729	4,114	9,749
Germany.....	72.6	67,607	51,427	112,879
Great Britain, Ireland.....	64.4	77,342	62,654	129,103
Luxemburg.....	72.5	92	258	354
Netherlands.....	56.0	3,607	1,837	6,211
Norway.....	67.3	12,202	6,654	20,536
Pacific Islands.....	50.1	80	242	334
Sweden.....	69.0	20,042	9,761	33,603
Switzerland.....	64.9	3,752	2,282	6,453
<b>Total.....</b>	<b>67.5</b>	<b>196,072</b>	<b>142,218</b>	<b>328,788</b>
<b>Countries having less than 50 per cent naturalized:</b>				
Africa.....	43.6	104	244	234
Egypt.....		18		206
Albania.....	7.4	288	204	296
Armenia.....	28.9	230	213	277
Atlantic Islands.....	20.9	121	241	240
Australia.....	49.5	279	320	293
Austria.....	37.7	7,342	1,308	2,647
Belgium.....	49.0	1,563	710	721
Bulgaria.....	12.1	302	261	301
Czechoslovakia.....	45.8	14,357	2,231	4,985
Danzig.....		371		300
Estonia.....		1,348		649
Finland.....	41.3	3,921	672	1,507
Fiume.....		71		223
Greece.....	16.8	3,063	247	1,221
Hungary.....	29.1	5,747	674	2,116

*Present quotas and suggested quotas—Continued*

Country of birth.	Percent- age natu- ralized in 1920.	Present quota.	Johnson bill.	Heed bill.
Countries having less than 50 per cent naturalized—Cont.				
Iceland.....		73		225
Italy.....	24.1	42,057	4,112	14,219
Latvia.....		1,540		713
Lithuania.....	23.6	2,629	413	1,076
Other Asia.....	30.5	92	245	230
Other Europe.....	48.0	86	205	228
Palestine.....	37.5	57	201	219
Poland.....	28.0	30,977	5,356	10,526
Portugal.....	16.4	2,465	674	1,021
Rumania.....	41.1	7,419	838	2,673
Russia.....	40.2	24,405	2,192	8,335
Spain.....	9.9	912	291	304
Syria.....	28.9	882	213	494
Turkey in Asia.....	25.1	2,654	329	1,084
Turkey in Europe.....	20.2			
Yugoslavia.....	25.2	6,426	1,051	2,342
All other.....	47.5		206	
Total.....	32.5	161,731	25,839	60,110
Grand total.....	48.4	357,803	168,057	388,988

<sup>1</sup> Egypt, Danzig, Esthonia, Fiume, Iceland, and Latvia included in total.

### **ADDITIONAL STATEMENT OF HON. W. W. HUSBAND, COMMISSIONER GENERAL OF IMMIGRATION, DEPARTMENT OF LABOR.**

SENATOR COPELAND. Mr. Chairman, there is a very important matter I think Mr. Husband ought to help us about. We are always complaining because we have not humanized the immigration law. Is it not possible to have some elasticity in the law, with authority lodged in the President or the Secretary, or somebody, so that for the sake of humanity it may be possible to make an exception within certain limitations as to numbers?

THE CHAIRMAN. You do admit temporarily those who come for business or pleasure?

MR. HUSBAND. Oh, yes; those are not in the quota; not immigrants.

THE CHAIRMAN. Those who come temporarily for business?

MR. HUSBAND. Yes; they are not immigrants.

THE CHAIRMAN. Could that not be extended by administrative construction so as to admit all those cases of hardship, if they come here for business?

MR. HUSBAND. The hardship cases, as a rule, are not the temporary visitors; they are the permanent ones. The questions of the Senators refer to this preference and to the humanizing of the law. Under the present law the preference has been to a considerable number of classes; preference shall be given to so-and-so. Now, that is how it appealed to the Congress at the time, that these are cases which always would deserve preference. But it has not been true. Preference in a great many cases, of the sort you are thinking of now, however, have come up where there was no preference, and you could not give preference simply because the law stated what preference should be given. This preference in section 4 is a preference merely because it is lifted out of an exempted class and put in a preferential class.

Senator KING. However, it is within the quota.

Mr. HUSBAND. It is within the quota. Now, it seems to me that ought to stop there, and then give the preference to fit the circumstances. Take an example—this is not a hardship case—but in the State of Pennsylvania there is a demand for dairymen; apparently a strong legitimate demand for dairymen who could be employed all the year around, and they need them. And in Holland there are excess dairymen, and the people in Pennsylvania want to go to Holland and bring those dairymen in. They can not do it because the quota is gone. If there were a law of preference which did not include dairymen it could not be done, even, if there was a quota. But this is recognized as a legitimate demand. If someone could say to the consul in Holland, "Give preference to so many dairymen who are needed in Pennsylvania," it would obviate the difficulty.

There is also a great demand down South for Germans to take land, where they are splitting up the great plantations. If that is desirable, it seems to me someone ought to have authority to say to the consul in Germany to give preference to 500 Germans who are coming to Mississippi, for instance.

The CHAIRMAN. Who has that authority?

Mr. HUSBAND. I think the authority would be implied unless you set up a lot of preferences which must be given.

Senator REED of Pennsylvania. That is just what we do not do.

Mr. HUSBAND. And that is just what you do not do. There, to my mind, is the beginning of a selective policy, selecting people according to the needs of the United States.

Senator COPELAND. For myself I would be perfectly willing to have those persons charged against the quota, but I think somebody ought to have the power to say that those persons should be admitted.

The CHAIRMAN. Exactly.

Senator KING. Then you would be in favor, if I understand you, of permitting some regulations to be adopted and enforced which would permit some sort of selection of immigrants to come?

Mr. HUSBAND. Yes, sir.

Senator KING. Within the quota?

Mr. HUSBAND. Within the quota. Now, that is a beginning of a selective policy that we have talked about so much and which we have never achieved in any way.

The CHAIRMAN. Mr. Husband, in the bill which you had so much to do with preparing there was a provision that aliens might be admitted in excess of the quota on the grounds of humanity. I do not remember the exact phraseology. But in line with the suggestion of Senator Copeland, in order to cover what we call a hardship case, would you give the Secretary of Labor or the Commissioner of Immigration power to admit—

"Provided, That in addition to the foregoing the Secretary of Labor or the Commissioner of Immigration may, in individual cases, admit aliens in excess of the maximum number when in his opinion such action is justified as a measure of humanity.

Would you favor any such provision in the new bill?

Mr. HUSBAND. No; I would not, Senator.

The CHAIRMAN. Very well.

Mr. HUSBAND. As this bill has developed in 12 equal parts of the yearly quota, or practically a monthly quota, that will not arise to

any great extent. That provision, if put into the law, would clearly, in my opinion, have enabled the Secretary of Labor or whoever was charged with the authority to have admitted all of the refugees who were driven out of Turkey a year ago last September. Clearly that was hardship untold.

The CHAIRMAN. I only wanted to get your opinion; that is all.

Mr. HUSBAND. I do not think the individual hardship case is going to arise under this bill. And a limitation on immigration means hardship on masses. There is no question about that at all.

Senator COPELAND. Mr. Husband, suppose that section 4 were amended something like this—you have the section, "In the issuance of a visa certificate preference shall be given to an immigrant who is the unmarried child under 21 years of age, father or mother over 55 years of age, husband, or wife of a citizen of the United States who resides therein at the time of the filing of a petition under section 6," or, "in an extreme case of an individual on the ground of humanity." You would still be within the quota, and you would give somebody power to deal with the individual case.

Mr. HUSBAND. As I look at it, Senator Copeland, I do not believe it would be necessary, for the reason that I think in a case of real genuine hardship somebody would take care of them. It might be a case which you could not call a hardship case; it might be a case of some one who was worth \$10,000,000 wanting to make a quick move to the United States—an immediate move. Some one ought to have the authority to say, "Yes; give preference to that." But I doubt if you could legislate anything that would take care of it. I think I am right, am I not, Mr. White, in saying that preferences that have been given under the present law were probably a detriment rather than a help?

Mr. ROBE CARL WHITE (Second Assistant Secretary of Labor). Yes. Before Senator Reed goes, I would like to call attention to one phase of this that should be corrected. It is a clause compelling the consular office to grant a certificate upon facts appearing in the application. That should be broadened; unless it is broadened he is performing a perfunctory act.

Senator REED of Pennsylvania. I think that is right. He ought clearly to have the right to use facts that come to him from outside.

Mr. WHITE. Yes, sir.

Senator COPELAND. You could take it up with the Secretary of State and show him that here is a case that on the grounds of humanity ought to be admitted, and he could notify the consul on the other side that he should be admitted.

Senator KING. Within the quota?

Senator COPELAND. Yes; within the quota. I am always talking within the quota.

Mr. WHITE. Yes, sir.

Senator COPELAND. There is no doubt in my mind that this law should be so worded that an individual case could be dealt with.

The CHAIRMAN. Within the quota?

Senator COPELAND. Yes; within the quota.

Senator KING. I want to ask Mr. Husband a question. Do you favor this preference to fathers and mothers?

Mr. HUSBAND. Yes; I am inclined to the preference. I do not know that I would go quite to the extent of an exemption, but preference, I think so.

Senator WILLIS. Within the quota, you mean now?

Mr. HUSBAND. Yes; always within the quota.

The CHAIRMAN. Mr. Husband, in view of what you are speaking about, relatives and friends, you had a very valuable table, which was entirely new to me, in your report, in which you show that 90 per cent of the immigrants who come over here came to join relatives or friends?

Mr. HUSBAND. Yes, sir.

The CHAIRMAN. Is that not true?

Mr. HUSBAND. Yes, sir.

The CHAIRMAN. In this table it shows that 85 per cent of all the immigrants who came over came to join relatives and friends. That is, 387,656 came to join relatives; 55,676 came to join friends, and the passage of nearly half of them was paid by the relatives and friends over here, showing, as a matter of fact, that the moving power in the selection of immigrants is made by the nationals here.

The committee will stand adjourned until Thursday next, at half-past 10 o'clock.

(Thereupon, at 12 o'clock m., the committee adjourned to meet on Thursday, February 28, 1924, at 10.30 o'clock a. m.)



## SELECTIVE IMMIGRATION LEGISLATION

SATURDAY, MARCH 8, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION.

*Washington, D. C.*

The committee met, pursuant to adjournment, in the Immigration Committee room, the Capitol, at 10.30 o'clock a. m., Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, Shields, and Copeland.

The CHAIRMAN. The committee will be in order. I wish to say to those who have favored us with their presence here to-day that it was not the purpose of this committee to have extended hearings on this subject. The House has had extended hearings on all phases of the immigration problem, and those hearings have been published. The committee felt that it ought to hear certain representatives from California, and as that opened the door the committee decided that they would devote one day to hearings on various phases of the bill. Now, that is as far as the committee has gone at the present time. The disposition of the chairman—but I am only one member of the committee—is that if people want to be heard I am always inclined to hear them.

We will proceed then with the hearing, and whether the hearing will be extended beyond to-day will await action by the committee.

I wish that the witnesses when they testify would confine themselves to some particular phase of immigration and not undertake to go over the whole field. It is a very wide field, and therefore I hope that the witnesses will confine themselves to one or two particular points with which they feel they are familiar.

Mr. Braman, the committee will hear you.

### STATEMENT OF MR. DWIGHT BRAMAN, PRESIDENT THE ALLIED PATRIOTIC SOCIETIES (INC.), NEW YORK CITY.

MR. BRAMAN. Mr. Chairman and members of the Senate committee, on behalf of the Allied Patriotic Societies (Inc.), of which I happen to be president, I desire to address you briefly.

The CHAIRMAN. Mr. Braman, will you kindly state your present position and whom you represent?

MR. BRAMAN. I am president, Mr. Chairman, of the Allied Patriotic Societies (Inc.), 55 Broadway, New York City.

At our conference on March 5, 1924, this resolution was passed (reading):

*Resolved*, That those present at this meeting, voting as individuals, favor the passage of the Johnson-Lodge bill (H. R. 6540) as reported by the House

Committee on Immigration and Naturalization in its report No. 176, fixing the quotas at 2 per cent of the foreign born of each nationality according to the census of 1890; further

*Resolved*, That the president of the Allied Patriotic Societies (Inc.) be, and hereby is, authorized and requested to present these resolutions to the Committee on Immigration of the United States Senate and to state the position of the Allied Patriotic Societies (Inc.) with respect to the restriction of immigration as set forth in the report of its committee on immigration approved at the meeting of June 6, 1923.

The Allied Patriotic Societies consist of the leading patriotic societies in the United States, nearly all of them sending representatives appointed by the various organizations, with powers to act and vote. We have a conference every month at the Army and Navy Club, and these resolutions are brought up and acted upon. We have a committee on immigration, numbering about 35, consisting of the leading experts that we could pick from the various representatives of these different societies who are present. They made a report to our organization, which was accepted, and a thousand copies of it ordered to be printed. The report is a very exhaustive review of the immigration situation in this country, and it was handed to a committee of four or five other members, who drafted the report. The report I have here, and it goes into the details of these questions very much; but in view of the suggestion made by the honorable chairman, I will confine myself to one particular point—possibly two points in this report.

The CHAIRMAN. Mr. Braman, have you copies of that report?

Mr. BRAMAN. I have, sir; and I am going to file it with each member of the committee.

The CHAIRMAN. Well, I do not think it need be made a part of the record, but if you will file a dozen or fifteen copies so that each member may have a copy, we will appreciate it.

Mr. BRAMAN. I will do so. It developed during the war, and before the war; that is, before this country went into the war, that there were large foreign groups in this country of various nationalities, wholly or partially assimilated, both racially and culturally, and who were largely under political influences from foreign countries. There were also large foreign presses, some of which presses, or publications, were printed by foreign governments and sent over here for distribution. The object of all this propaganda was to keep this country out of the war, and the Government in Washington felt that pressure through various States of the Union. There are nine States of the Union in which aliens are allowed to vote, which is a thing that is not generally known by members of the bar and judges. And these foreign presses consisted of 2,000 different papers or periodicals, and some were very radical. The German vote was pretty thoroughly organized. The German consul in New York received a list of the German residents in the United States; the Austrian consul received a list of Austrian members of their army, and it was a great menace to the safety and welfare of this Government itself, as well as to the civilization of the world. They used their influence to stop work in our ammunition factories; they used their influence to prevent a draft; they used their influence to prevent our manufacture of rifles, so that the Government of the United States had on hand only 600,000 rifles at the opening of the war.



The CHAIRMAN. What were the governments that carried on that propaganda? Do you mean the Entente powers?

Mr. BRAMAN. Germany, Sweden, and Austria.

Senator COPELAND. Mr. Chairman, pardon me a moment. I was late in coming in. I have not quite caught the drift of the argument. Is the witness arguing against any immigration?

Mr. BRAMAN. No; the point was the danger of a restricted immigration.

Senator COPELAND. Well, the committee is not in favor of bringing in everybody. We have before us a certain bill proposing a 2 per cent allotment or quota on the census of 1910. In the House there is a bill proposing a 2 per cent quota on the census of 1890. Now, are you against both those bills, or for either one of them?

Mr. BRAMAN. The Allied Patriotic Societies are in favor of the House bill carrying the quota back to 1890.

The CHAIRMAN. The Senate committee have already passed upon that proposition, and have based it on 2 per cent of the census of 1910.

Mr. BRAMAN. Yes; I understand, Mr. Chairman, but in view of the statement of the Chair, in the absence of the gentlemen here, you suggested that I should confine myself to one particular point, and the point I am leading up to is that the 1890 quota should be maintained. We find that up to 1882 the average immigration from those in northern Europe and southern Europe were about equal. From 1882 to 1900 the newer immigration began to come, and from 1900 to 1920 80 per cent of the immigrants came from those southern European countries. You are all familiar with the immigration from southern Europe. It is a discrimination, we think, against the old stocks by which this country was settled, and from whom we have descended.

The CHAIRMAN. Mr. Braman, the present quota law was based, in principle, upon the number of foreign-born that were in the country at the time the act was passed.

Mr. BRAMAN. Correct.

The CHAIRMAN. We could not take the figures of 1920, because the figures were not available; so we took the nearest to it, which was 1910. Now, since you go back to 1890, you violate the principle of the present quota law. If you take 1890, you take it at a time when there was a minimum number of people from southern and eastern Europe and a maximum from northern and western Europe. And, by the way, I ought to state to those here present that we have hoped to confine this testimony to one day because there have been extensive hearings in the House, and all phases of this problem have been gone over even by this committee, and so we wanted to address ourselves to some of the specific problems in the present bill.

Now, I understand that you are making the point that you think it will be better to go back to the census of 1890?

Mr. BRAMAN. Yes, sir.

Senator KING. I do not understand, Mr. Chairman, that notwithstanding the action of the committee this is irrevocable, and so if these gentlemen have any argument calling for a change in the quota.

so far as I am concerned I would be glad to hear them, within the time limit.

The CHAIRMAN. I quite agree with the Senator. Will you give your reasons then why you desire to go back to the census of 1890; that is, the House bill?

Mr. BRAMAN. Yes; because the old stock is not sufficiently or fairly represented in the census of 1910, for these reasons: The change from the older to the newer immigration began about the year 1882. The older immigration came almost exclusively from the countries of northern and western Europe and was composed of races either identical with those which colonized the country and established our American civilization or very closely related to it. The major part of our immigration since the year 1882, coming principally from the countries of southern and eastern Europe, has been composed of peoples which, whatever their respective merits may be, are for the most part widely divergent in their racial qualities from the races which were settled here before. For the two decades following 1882 our total immigration was fairly evenly divided between the old and new—that is to say, we had 50-50—but since the year 1900 the newer immigration was vastly preponderant. From June 30, 1889, to June 30, 1920, a period which includes the low immigration period of the World War, our total immigration was 15,291,484; of this immigration only 3,101,131, or 20 per cent, came from the countries of northern and western Europe. That is to say, the old immigration was discriminated against by the open door that we had.

To avoid ambiguity the countries so designated are the—that is, the old countries—are the British Isles, Germany, France, Sweden, Norway, Denmark, Belgium, Netherlands, and Switzerland. Nearly all of the balance, the remaining 80 per cent, consisted of immigration from the countries of southern and eastern Europe.

Senator SHIELDS. May I ask what you are reading from?

Mr. BRAMAN. This is the report of the immigration committee of the Allied Patriotic Societies.

Senator SHIELDS. Then that is not necessary. It is already in the record, is it not?

The CHAIRMAN. No; but it will be submitted.

Senator SHIELDS. I suggest that it not be read. Let it be submitted.

The CHAIRMAN. Yes; some things will have to be submitted. If you will submit a dozen or fifteen copies, the committee will appreciate it.

Mr. BRAMAN. Yes, sir; I will submit them.

Senator COPELAND. Mr. Chairman, it is perfectly clear to me the gentleman is making arguments we are familiar with. He is making his arguments opposing the quota of 1910, and we are familiar with that. Is that not sufficient?

The CHAIRMAN. This is a society, Senator, that does a good deal of good. Have you anything to say in addition to that, Mr. Braman? We must limit ourselves in time.

Mr. BRAMAN. I shall confine myself to three more minutes, if that will be permitted. The Allied Patriotic Societies (Inc.) are the greatest friend of the members of foreign-born races. We teach the English language. We find that our population has reached the

point where we can not, if we are to go on as a country, receive these people with the same open arms that we have been receiving them in the last 20 years. The country has been surfeited. For instance, in New York we have 43 different languages spoken or published within the city of New York, in periodicals or magazines. The foreign-language papers to foreign born, and they segregate and isolate them into groups. And there is no way to teach them English, unless to teach them in their homes.

Now, we have got to digest this population first; our first duty is to the people of this country.

We had a meeting the other night, held in Madison Square Garden, in which about 12,000 people participated—a very vociferous and enthusiastic meeting, held in memory of the death of Mohammed—and there was no American flag there in the decorations. There were two small flags on the portrait of Mohammed.

Now, those that are here for certain purposes have got to be reached and we must restrict their coming without good reasons.

Senator COPELAND. Mr. Braman, are you familiar with the very excellent additions to the bill as prepared by the Senate committee, requiring that one who desires to come to America must make application and give certain information, including his prison record, and any other records that might be desirable? The very purpose is to weed out the very people you are thinking about and make it impossible to bring them here.

Mr. BRAMAN. That is very good, Senator, so far as it goes; but we want to go back to the census of 1890 to weed them out entirely.

Senator COPELAND. Why do you stop at the census of 1890?

Mr. BRAMAN. Because in 1890 it was on a 50-50 basis.

The CHAIRMAN. In 1890 it is estimated that it was 20 per cent and 80 per cent; 20 per cent from southern and eastern Europe and 80 per cent from northern and western Europe.

Now, Mr. Braman, I want to say to you that I agree entirely with you that our duty is to those who are here. There were 6,000,000 here. Under our present quota law we admit about 150,000 of them annually.

Now, would you pass a quota law which would reduce that nearly 107,000 or 108,000 down to where you admit 5,000 Germans to where you admit 1 Italian? Have you considered what effect that would have on the racial groups in the country? Since that was suggested these racial groups are up in arms, on the ground of discrimination. Nothing will prevent their loving their adopted country so much as discrimination. And when you discriminate markedly against any group you are raising racial antagonism, which is entirely un-American. We had these 40 nationalities here at the outbreak of the war and we never had any racial distinction. What was the result? They rose, with very few exceptions, and enlisted under our flag—460,000 aliens who were not subject to draft enlisted in our armies. That showed a national unity that no other country in the world was able to show, except France. I do not want to destroy that, and if you raise this question of discrimination among these racial groups you are doing something the end of which you do not see. I commend your work of Americanization and all you are doing in teaching English to these foreigners. But think and re-

flect on the idea of discrimination at this time. That is a subject that has sunk deep into my heart as an American. Standing on the mountain peak, we are the strongest country in the world to-day with these 40 nationalities here.

Mr. BRAMAN. I concur, Mr. Chairman, in all these things; but one thing is left out. We do not want our American stock discriminated against or stamped out.

Senator COPELAND. Where did we get them originally? I belong to various of these societies, but where did we get that stock?

Mr. BRAMAN. They came over here and became citizens. The first came from England, Ireland, Scotland, Germany, Denmark, Holland; the Dutch settled New York.

Mr. Chairman, this is not a racial question. I want to disabuse the mind of the committee and everyone here of that. It is not a racial question; it is a language question. These people follow their language, and they go where their language is spoken, because it is easier for them to get along. There is no question of race here. That is a false issue that is raised by the press. But there is no question of race. If you will take the history of the immigrant press written by Mr. Park, one of the professors of the Chicago University, you will see how there is no racial question involved in this immigration question. They come here from nationalities, and they settle in nationalities. Now, how can we impart to them American ideas?

The CHAIRMAN. Through the language?

Mr. BRAMAN. Through the language.

The CHAIRMAN. But, my dear sir, you attribute a fallacy to the language. The country that is most united in Europe to-day is Switzerland, with three languages. National unity does not turn upon language. Great Britain and Scotland are entirely different. National unity turns upon kindness and justice.

Senator REED of Pennsylvania. Mr. Chairman, we have a great number of witnesses here. Had we not better go through them rapidly?

Senator KING. You mentioned the foreign-language newspapers, and that is true; in my opinion that is true, we have too many for proper amalgamation. To what extent, may I ask, do the children of these aliens read these newspapers, and to what extent do they read the papers in the English language?

Mr. BRAMAN. There are no statistics on that point. I have looked for them, and am unable to find anything on the subject. But they go to the American schools, and when they find their parents can not read and speak the English language, they lose their respect for them. I say our job is to teach English through the high grade pupils to those who are here. But to do that we will require a breathing spell, and that is the reason we want it to go back to 1890.

Senator KING. What do you find among the aliens, taking them as they come, the Italians, and the Polish children, for instance; to what extent do you find them as patriotic as children whose parents are Americans? My question does not imply any distinction?

Mr. BRAMAN. They are as patriotic as any Americans; and the aliens from the foreign countries who served in the war made our best soldiers.

Senator COPELAND. I would like to say, in reply to the question of the Senator—

Senator KING (interposing). I know something about it, but I want to get his viewpoint. He is the witness.

Senator COPELAND. They are as patriotic as the children of Utah.

Senator KING. A witness is before us and I wanted his view on the subject.

Mr. BRAMAN. There are 200,000 children in New York who are able to go home and teach their parents English at night. And we had 4,000 applicants to teach their parents at night. But that is 4,000 out of 200,000. And we have to have a chance to catch up.

Senator KING. Now, the children of foreign-born parents being patriotic, as I knew you would say, then what complaint can there be against admitting into the United States, in proper proportion and based upon a proper quota, those races from which such children come?

Mr. BRAMAN. Because there are so many of them who do not speak a word of English. There are 5,000,000 immigrants, as shown by the census, who have never been inside of a schoolroom door. There are nearly 20,000,000 illiterate, and that has made this country the most illiterate and the most lawless in the world. And that is what the Allied Patriotic Societies are devoting their time to, to give this Nation one common language, otherwise they can not be good citizens, and do not know who they are voting for.

Senator REED of Pennsylvania. You recommend going back to the census of 1890, then?

Mr. BRAMAN. Absolutely.

Senator REED of Pennsylvania. And your purpose is to get a percentage of constituency proportionate to those now in this country; that is, your immigration will be roughly proportionate to the percentage of population from those countries now in this country.

Mr. BRAMAN. I don't want the old stock discriminated against.

Senator REED of Pennsylvania. That is the trouble, it discriminates against the new races?

Mr. BRAMAN. Certainly, it does.

Senator REED of Pennsylvania. And ignores the native-born citizen, who is not taken into consideration in fixing the quota.

Mr. BRAMAN. Certainly.

Senator REED of Pennsylvania. Now, if we could make our quotas exactly proportionate to the present population of the United States it would be what you are driving it?

Mr. BRAMAN. It would aid.

Senator REED of Pennsylvania. It would take care of it?

Mr. BRAMAN. Yes, sir.

Senator REED of Pennsylvania. In other words, it would take care of the quotas of foreign born.

Mr. BRAMAN. Yes; under this bill you are giving them about 11 per cent.

Senator SHELDS. As I understand you, what you desire is a restriction of immigration down to a limited number that will be properly assimilated with the American people and become Americans, as they did, say, 50 years ago?

Mr. BRAMAN. We want to make the law so as to allow the old stock to come in.

The CHAIRMAN. We thank you, Mr. Braman. You may file your report for the members of the committee.

Senator WILLIS. Mr. Chairman, before the next witness is called, with the greatest respect to the other members of the committee, I want to hear these witnesses. Here are a hundred witnesses to be heard. If we are to argue with the witnesses, we will not give them all an opportunity to be heard. I appreciate the importance of asking questions, but if we will first hear what the witness has to say, and then if any questions are to be asked, make them snappy and to the point, we will facilitate the hearings.

The CHAIRMAN. Senator Willis, I ought to beg the pardon of the committee. It was my intention to have the witnesses confine their remarks to a single point.

Is Representative Dickstein present?

Senator KING. Mr. Chairman, I would like to have Mr. Ralston heard at this time. He will be compelled to leave the city.

Mr. RALSTON. I ask that Mr. Pollak speak for me.

The CHAIRMAN. We have two Members of Congress here whose testimony will be very brief, I am told, and I think, as they are members of a coordinate body, they are entitled to some preference. We will hear Mr. Dickstein, if he is here.

I might say, in addition to what I have said, that if the witnesses could confine themselves to 10 minutes, speaking directly on the points they want the committee to hear, it will greatly facilitate our hearings.

#### STATEMENT OF HON. SAMUEL DICKSTEIN, A REPRESENTATIVE FROM THE STATE OF NEW YORK.

Mr. DICKSTEIN. Mr. Chairman and gentlemen of the committee, it is indeed a pleasure to come before you. I am not going to make any extended argument. I am a member of the Immigration Committee of the House of Representatives. I am one of the minority members that filed a report against the Johnson-Lodge bill. And in view of the fact that Mr. Marshall is in this room, it will probably cut my talk down to two minutes. I thought that the Johnson bill was inhumane. I still think so. I still think that this bill is just as bad, in that it takes away the only humane feature that we struggled in the committee of the House to retain for many months, if you take away the quota of relative immigrants. When we started hearings in the House—and the hearings lasted almost two months—we started out with the idea that we were going to unite families, and as a result of that it would make them better citizens. We fixed a nonquota relative immigrant, which I understand you wish to understand as an immigrant who is the father or mother over 55 years of age of a citizen, or the children of a citizen, or the wife, who may come here disregarding the quota.

Senator KING. We made it children under 21 years of age.

Mr. DICKSTEIN. That is some improvement anyway. We then started out in the House to fix that status for a declarant on the theory that a man who wanted to come here wanted to have his wife and family, and in order to make good citizens they should have their wives and children here, and they should be enabled to get them here

giving you my impressions after two months of hard study and sary. They have eliminated the declarant entirely and have thrown him into that quota. And the only good feature of that Johnson bill is the nonquota. And I find in this Reed bill you have practically eliminated the nonquota.

Senator REED of Pennsylvania. We give them a preference and put everybody in the quota.

Mr. DICKSTEIN. I see that, but that is as much red tape as if you did not put it in at all.

Senator REED of Pennsylvania. We will strike it out if you do not like it.

Mr. DICKSTEIN. It is not a question of what I like. I am simply giving you my impressions after two months of hard study and after listening pro and con on both sides of this question.

Senator KING. Just a short question. What do you say to this proposition: It was submitted to me this summer by many of the consuls that fraud and perjury is committed by persons who allege they are relatives of immigrants, and they sought admission as relatives of immigrants when in truth and in fact they were not.

Mr. DICKSTEIN. Well, in answer to that I will say that I am not here to protect any alien who commits fraud, or any relative that commits fraud. I believe we ought to get rid of undesirables and use the best means to get the best immigrants, but when you fix a quota on the census of 1910 without any investigation of the facts—just say arbitrarily “we will fix it on the census of 1890 or 1910”—that is not the proper way to get at the situation.

Senator HARRISON. What is your way, then?

Mr. DICKSTEIN. I think we ought to take the latest present census, of 1920, of which no one could complain, and fix a proper basis on that. I think that you ought to do something for the declarant who is at times, and at the present time, unable to bet his naturalization papers because of certain conditions existing in every State in the Union. In my State of New York there were thousands of applicants to be called for their second papers months and months ago. They are behind in their work there. The first question is, “Have you a wife?” “Yes, sir.” And he can not get his citizenship papers. Now, those conditions should be remedied.

Senator HARRISON. Then you think a quota on the basis of 1910 is as much of a discrimination as a quota on the census of 1890?

Mr. DICKSTEIN. No: 1890 was discrimination, and they conceded that, the consuls and all parties; 1910 is not discrimination; at least, it gives every nationality a chance. They did not get a chance in the 1890 census.

Now, I do not propose to discuss the Nordic races and other features we heard so much about in the House committee. I want to say this, Mr. Chairman, that I want to be permitted to incorporate in the record the statement of 20 Members of Congress protesting against this.

Senator KING. That is directed against the Johnson bill?

Mr. DICKSTEIN. Yes, sir.

Mr. SABATH. Where is that from?

Mr. DICKSTEIN. This is from the State of New York.

The CHAIRMAN. It may be inserted in the record:

(The statement is as follows:)

STATEMENT OF 20 OF THE 22 MEMBERS OF THE NEW YORK STATE DEMOCRATIC DELEGATION IN THE HOUSE OF REPRESENTATIVES, SIXTY-EIGHTH CONGRESS, IN OPPOSITION TO THE RESTRICTIVE IMMIGRATION BILL H. R. 6540, REPORTED BY THE COMMITTEE ON IMMIGRATION AND NATURALIZATION.

The undersigned, being Democratic Members of the House of Representatives of the State of New York, are unalterably opposed to the rigidly restrictive immigration bill reported by the Committee on Immigration and Naturalization and known as the Johnson bill, H. R. 6540.

The foreign-born population of our country and those born here of a foreign parent comprise 33½ per cent of the total population. Of these, at least 25 per cent are recent immigrants and constitute the young men and women of to-day's laboring classes so necessary to our industrial prosperity.

We are underhoused, underconstructed and underdeveloped and are in sore need of those who are willing to do our work, both skilled and hard and laborious, but this bill would tend to keep out that class of immigrants best suited for such occupations.

It would not, moreover, bring into this country a better class or a more assimilable body of immigrants.

Our national policy, as expressed in the act of 1917, a distinctly selective measure, has been to welcome to our shores all immigrants who are desirable, that is, all who are mentally, morally, and physically fit, and friendly to our form of Government.

The proposed bill goes even further than the present law in fixing an arbitrary number of immigrants who can be admitted.

It is the avowed purpose of the Immigration Committee to have this law embody our permanent policy of immigration and bind us to a program which is inflexible, unscientific, and unjust and is, furthermore, an attempt to treat a human problem upon a cold, mathematical formula, since its basis is quantitative rather than qualitative.

The Johnson bill is particularly objectionable because it discriminates against certain nationalities already going to make up a great part of our population and fans the flames of radical, religious, and national hatreds and brands forever elements already here as of an inferior stock.

It discriminates against Italy, who gave us the great Columbus. It discriminates against Poland, who gave us our Revolutionary heroes Kosciuszko and Pulaski. It discriminates against Russia of the great Tolstol, against Hungary who gave us the great patriot Kossuth, against Greece, the land of Venizelos, against Czechoslovakia, from whence hail the distinguished Masaryk, against Jugoslavia, who sent us the great inventor Michael Pupin, and finally against France, from whence came the immortal Lafayette and Rochambeau.

Have we so soon forgotten the World War when the youth of those same nationalities, resident in the United States, joined hands with their relatives across the seas and brought victory to us and our allies in that great conflict? Shall we exclude those compatriots in arms by a mere mathematical formula? Is it fair? Is it American?

This proposed law would adopt as a basis of entrance 2 per cent of the foreign population of 1890. In its determined effort to be as unfair as possible, the committee in addition to reducing the percentage from 3 per cent adopts, as a basis, census figures 34 years old, instead of taking the census of 1920 now available or even the census of 1910, the basis of the present law. This basis was deliberately selected to favor the so-called Nordic races and discriminate against races from southern and eastern Europe, which discrimination is, indeed, a new but perilous doctrine for democratic America, founded upon the declaration that "all men are created equal."

Our great country is still big enough, geographically, politically, and socially, to receive those persons knocking at our doors, whether of brain or brawn, who answer our mental, moral, and physical requirements and can contribute to our science, our art, our literature, our commerce, or our industry.

John F. Carew, eighteenth congressional district; John J. Kindred, second congressional district; Christopher D. Sullivan, thirteenth congressional district; Thomas H. Cullen, fourth congressional district; James M. Mead, forty-second congressional district; Anthony G. Griffin, twenty-second congressional district;



William E. Cleary, eighth congressional district; John F. Quayle, seventh congressional district; David J. O'Connell, ninth congressional district; Loring M. Black, jr., fifth congressional district; Sol Bloom, nineteenth congressional district; George W. Lindsay, third congressional district; Emanuel Celler, tenth congressional district; Parker Corning, twenty-eighth congressional district; Samuel Dickstein, twelfth congressional district; John J. Boylan, fifteenth congressional district; John J. O'Connor, sixteenth congressional district; Frank Oliver, twenty-third congressional district; Anning S. Prall, eleventh congressional district; Royal H. Weller, twenty-first congressional district.

Mr. DICKSTEIN. I also ask permission, Mr. Chairman, to incorporate a brief which I have here, prepared by Judge Salvatore A. Cotillo, justice of the Supreme Court of the State of New York. On account of the shortness of the time which you allowed to prepare for this hearing, I was not able to get the New York delegation here who were trying to get here to be heard at this time.

The CHAIRMAN. The brief may be inserted, if there is no objection. (The brief is printed in full, as follows:)

*To the United States Senate Committee on Immigration, Washington, D. C.:*

The immigration problem occupies to-day a foremost place in our national mind. It is a question of current discussion not only because very soon the present per centum limit act under which the inflow of immigration to the United States is largely regulated will expire by statutory limitation and will be abandoned or continued in a modified form or be supplanted by more drastic legislation but also it is the culmination of more than a century's debate of the question.

Immigration has had a most remarkable growth within the past hundred years. Official figures are not available back of the year 1820; in that year when our population numbered 9,638,453, the total immigration was 8,385. Year by year it grew until in 1842 it had crossed the 100,000 mark with 104,565 immigrants, and in 1854 the 400,000 mark had been passed. Then came a falling off, so much so that during the Civil-War the country experienced a serious labor shortage on account of which the Federal Government passed a law favorable to the entrance of foreign labor induced to come to the United States under contract.

With the impetus to industrial development that came in the years after the Civil War and with rapid expansion of our railroad system and consequent opening of new territory, immigration took a new spurt, and in the year 1882 the number of aliens arriving was close to 800,000. For more than 20 years immigration remained between 800,000 and the 1,000,000 mark, but in each of the years 1905, 1906, 1907, 1910, 1913, and 1914, over a million immigrants came into the United States. The highest point was reached in 1907 when 1,285,349 arrived but the figures for 1914 were only slightly lower with 1,218,480 immigrants. During the recent World War, as might naturally be expected, immigration fell to a low level, but in the fiscal year which ended June 30, 1921, it was again 805,228 and the subsequent falling off in immigration is directly attributable to the per centum limit act which became operative in May, 1921.

Looking broadly over this century of immigration flow and ebb we may note an interesting factor, namely, that even before there was any legal restriction on immigration, the immigration movement was in a sense its own regulator. Immigration considered in relation to business activity shows that in years of prosperity the inflow was in the ascendent, but when business activity fell off immigration also declined, as in respect to the panic years of 1837, 1873, 1884, 1893, and 1907 which were each followed by a marked decline in immigration.

The immigration policy which should be adopted at this time must be based on scientific, practical, and humane plans both for the welfare of the United States and for the maintenance of international good will. The Johnson bill which is at present before the United States Senate, discriminates most decidedly against the nations that make up southeastern Europe. This I consider most unfair. One of the nations that belong in this group is Italy.

Before discussing further policies, I would like to review very briefly first, what Italy has contributed to the world and second, what she has contributed

to the United States. The other speakers who are better qualified than I will speak, I am certain, of the other nations that belong in this group against which there is a present discrimination.

Those familiar with the history and achievements of the Italian race, know how much the world owes to Italy and appreciate what may still be expected of her.

Rome dominated the world three times—once politically, when the imperial eagles brought the Latin civilization with its principles of right and justice to all parts of the Old World; again spiritually, when the Eternal City became the protecting cradle of Christianity until its influence spread to every country of the world from China to Greenland; and a third time intellectually, when the Italian Renaissance made Italy the world's center of art, music, literature, and of all forms of cultural life.

In the world of action, as in the world of thought, Italy has produced men not only of great power but of unique power. Probably no man single handed and through sheer force of his own personal genius has ever done so much to change the face of the world as did the great Italian, Christopher Columbus; and what Columbus did in the west, Marco Polo, another Italian, accomplished in the east. Dante raised the finest cathedrals in words well comparable with the greatest buildings of the Middle Ages, while later Leonardo da Vinci, Rafael, Michelangelo, Michiavelli, Giordano Bruno astounded the world with their unparalleled artistic and intellectual achievements. Toward the close of the sixteenth century Italy began to contribute extensively to the scientific discoveries of civilization. From the time Galileo invented the telescope in 1609 we pass rapidly to Galvani, who first studied the "galvanic" effects of the electric current, to Volta, who built the first electric battery in 1794 and whose name is inscribed on every electric-light bulb in the United States; to Antonio Mecc, who in 1849 was the first man to transmit the human voice by electricity, and now to Marconi, who has given the world wireless telegraphy.

A great part of the legislation in the United States is framed upon the principles of Roman law. Almost every important monument in the United States is inspired by the art of Rome and of the Italian Renaissance.

Such are not the contributions of an inferior race. The Italian immigrant has also contributed considerably to the development of the United States. He comes here and brings to our shores a strong hardihood and physique that is rarely excelled. His temperament is that of a buoyant, joyful, optimistic type that makes life at all times seem very interesting.

During the past 40 years laborers have been a higher proportion of Italian immigration in the United States than any other important immigrant people.

Rarely less than one-half, usually one-half to two-thirds, of a year's Italian immigrants have been general laborers. Years of labor in the sunny fields of Italy, a life most continuously out of doors, have served to enrich the Italian with a physical constitution and endowed him with rugged health that stands him in good stead. This fact alone has made possible his standing up under the severe strain and stress to which his physical constitution is subject in doing such work as digging tunnels, erecting skyscrapers, and building railroads. Within the past half century the unskilled labor of the Italian immigrant has contributed much toward the building up of the country. They have built our railroads, dug our tunnels, mined our coal and other metals, erected our buildings, increased our manufactures, built up our industries, and enhanced our commerce.

This work has made the greatness of America. Subways have been built, skyscrapers have been erected, modern convenience of living have been secured. In the borough of Manhattan of New York City two cities have come out of the rubbing of Aladdin's lamp of the Italian immigrant, one underground and another overground. In the Borough of the Bronx of New York City, a new city has sprung into existence. Brooklyn has advanced by leaps and bounds. I am not unmindful of the important work done by the skilled workers and the professionals; however, the skilled and professional work could not have been done without the unskilled work of the immigrant. The broad bosom of the earth has to be opened by an unskilled workman, before a foundation can be laid; without that work there can be no skilled mechanics to do the plastering and masonry work. Indeed the professional engineer who plans a structure on paper is ineffective and futile without the plow of the earth. I do not mean unduly to praise the immigrant. He belongs to the laboring class, the backbone of a nation. He brings two strong arms, a level brain, and a driving ambition. Are these not desirable qualities for our future population?

The metal trades have attracted many Italians. Many have been employed outside the mills, in Birmingham, in Pittsburgh, and the Maritime Provinces of Canada. Many have worked in the foundries—and for instance in Detroit—there they have also been occupied in the automobile factories and other places in the iron-bed works. In various centers Italians have made cutlery and tools, gas and electric fixtures. In the metal working shops of Connecticut several years ago, the Italian women were nearly one-tenth of all women employed. As lumber and sawmill hands the Italians have been employed in Canada, in California, and especially in Louisiana and the South generally. Many have worked in the paper and wood-pulp manufacture, others in the rubber factories of the East.

In the Middle States, Sicilians and Calabrians have become prominent as employees in the glass manufacture. In the cigar and tobacco industries in the region east of the Mississippi the South Italians have been one of the leading foreign groups employed; in Tampa, Fla., several thousands have been engaged in the work. In the Middle West and in Massachusetts, especially Brockton, south Italian men and women have been prominent among recent immigrants employed, in the making of boots and shoes. The Italians have played an important part in the textile industry except the cotton manufacture. In the silk manufacture north and south Italians have been more numerous than any other recent immigrants. They have been employed mostly in New Jersey and especially in the city of Paterson. In New Jersey they have been one-sixth of the operatives, more than half have been weavers, warpers or twist-ers-in, which are the high-skilled and best-paid categories of labor. Many work at silk dyeing, many are the makers of woollens and worsteds in New England, notably at Lawrence. Some thousands of south Italians have had unskilled employment. The same may be said of the workers in rope, twine, and hemp mills of New England and New York. What the Italians have done in the clothing industry might serve for an important chapter in the history of labor in America. In point of number of employees, the making of men's clothing had in normal times been the seventh of our manufacturing industries and in the number of women engaged it has come after the cotton industry. Nearly one-half of the women, aged 16 or over, when the Bureau of Labor studied the industry, were Italians.

In educational fields the Italian and sons and daughters of Italy are numerous. They are represented in the universities, colleges, high schools, public schools, and a few are principals of our public schools. In medicine and law there are also a goodly number. In public affairs we are also becoming more and more represented. Some of our men are judges, legislators, and local officials. In banking and commercial fields the Italian is also making tremendous headway. Several of our banks are among the greatest banks of the country.

It would not be unwise to assume that the civilization of the Italian immigrant is something desirable, and to assist them in every way to make it possible for them to contribute the greatest possible portion in the great task of the evolution of the staple American type.

A most interesting national conference was called by the National Industrial Conference Board in December of the past year. I would like to quote a statement from the proceedings of this conference which I consider most significant:

"Following the tenor of the opening addresses, the subsequent statements made by other speakers at the conference, the written comments received, and the viewpoints expressed in informal discussions showed a broad unanimity in respect to: (a) Condemnation of certain of the administrative workings of the present per centum limit act as resulting in numerous unnecessary hardships on immigrants; (b) approval of a policy of immigration restriction, but disapproval of any policy based solely on a numerical restriction; (c) a general belief that the kind of immigrants that are admitted is of more importance than the number, and that a policy of selection abroad based on quality and capacity for assimilation would be desirable; (d) the belief that, of equal importance with the determination of the conditions essential to admission in the United States, is the consideration of a policy of assimilation and Americanization of aliens within a fixed period after admission; (e) lack of information in respect to many major factors of the immigration problem and desirability therefore of an inquiry into and report on such factors with recommendations by a competent commission under presidential authority; (f) continuation of the present per centum limit act pending action by Congress on

these recommendations, with such administrative modifications as experience has shown would improve efficiency and ameliorate hardships resulting from strict enforcement of the present law."

An excellent resolution, which I have carefully studied, adopted by the National Industrial Conference Board on December 20, 1923, reads as follows:

" PREAMBLE.

" Investigations into the immigration problem conducted by the National Industrial Conference Board, and the discussions at the National Immigration Conference in New York on December 13 and 14, 1923, have clearly shown that there is a great divergence of opinion and lack of information on some of the most fundamental questions vital to the formulation of an adequate national policy of immigration control. Even on so important a subject as the needs of normally functioning industry, commerce and transportation, and the extent to which immigrant labor is necessary to supplement the native supply, no data adequate for board judgment are available.

" Moreover, while the immigration question has been debated officially and privately for more than a century, major attention has of late tended to focus on certain aspects of the immigration problem which are new in the field of scientific inquiry, such as questions in respect to the measurement of intelligence, the effects of intermarriage of different races, economic and social assimilability of foreign racial groups and similar matters. These are now being urged as bases for action; yet such approach to the immigration problem through science is still in its early state. While considerable investigational work along such lines has already been carried on, no basis has yet been established for evaluating the significance of these studies to the solution of the immigration problem.

" The board's investigations have demonstrated that immigration is a many-sided problem and that to decide it on any one set of factors, whether economic, social, political, or racial is not likely to provide the permanent policy which is needed. Due regard should be had for the needs of normally functioning industry, commerce and transportation; yet a broad conception of public policy must recognize also that the kind of immigrants admitted into the United States is of even greater importance than the number, and that what happens to immigrants after they are admitted into the country is of no less significance than the conditions fixed as essential for their admission. It is generally conceded that selection based on quality should be the basic consideration in any permanent policy of immigration control; no generally accepted method of such selection, however, not a satisfactory program of adequately caring for immigrants after their arrival has so far been suggested.

" It is therefore,

" *Resolved*, That because of lack of fundamental information on many crucial points, the need of examining, evaluating, and supplementing the recent scientific investigations, and the need of formulating practical methods of selection and assimilation. In respect to an adequate policy of national immigration control, the National Industrial Conference Board recommends to its affiliated organizations—

" 1. That they urge the appointment of a competent commission to be appointed by the President of the United States, to inquire into and to report within a definite period on the major factors of the immigration problem, some of which are:

" (a) Immigration and emigration in the light of present domestic and world conditions.

" (b) Needs of normally functioning industry, commerce, and transportation for an adequate labor supply and, in so far as the native supply is insufficient, for immigrants generally and for special groups of immigrations.

" (c) Economic and social assimilability of foreign racial groups.

" (d) Effect of mixture of races upon the virility and social progress of the Nation.

" (e) Practical methods of selecting, distributing, and assimilating immigrants.

" (f) Suggestions for an adequate, scientific, and practical program of immigration based on an analysis of the aims and ideals of our national life.

"2. That they recommend that, pending the results of such investigation and action thereon, the per centum limit act now in force be retained but with such administrative changes in the law as experience has shown to be advisable in order to facilitate operation and enforcement of the law and to eliminate unnecessary hardships and injustices now resulting from such enforcement."

This resolution I think should receive earnest and careful consideration.

Another excellent suggestion regarding the immigrant question is very well expressed by Dr. William M. Leiserson in his book, *Adjusting Immigrant and Industry*. He states:

"If the Government is to assume more responsibility toward the immigrants in this country and assist in their adjustment to the conditions of American life, it ought to know in advance what immigrants are coming over in number and kind. At the same time it is only fair to the prospective immigrant that he should know before he begins his long journey whether he will be admitted into the United States and whether there are opportunities for him to make a living. At present he gets this information in letters from fellow countrymen in this country, who may be a little better informed than he is; from steamship companies which are interested in securing passengers; and occasionally from immigrant aid societies organized for the welfare of the immigrant. It is proposed, therefore, that the United States Immigration Commission shall have stations abroad for examining those who apply for admission to the United States and that these agencies should indicate on the immigrant's papers before he starts that he will be admitted under the laws of the United States.

"Such a procedure would be equally advantageous to the immigrants and to the United States, and the organizations of stations in foreign countries would be one of the first steps necessary in any comprehensive plan of adjusting immigrants and industry in the United States. For, besides examining immigrants for purposes of admission, the agents of the immigration authority stationed abroad might have the duty of disseminating accurate information regarding industrial opportunities, to discourage from coming those classes of labor for which there are abundant supplies in the United States, and to aid in the proper selection of those for whom there may be a special need."

James J. Davis, Secretary of Labor, in a most recent article in which he reviews 100 years of immigration, stated that he is in favor of a system of selective immigration to be made abroad before the alien leaves his native country. He believes that there should be selection and inspection abroad sufficient to avoid the return to the land whence they come of large numbers of prospective immigrants after they arrive at our ports, with the attendant heartache and anguish.

From all that I have mentioned springs my conviction that immigration is, when constructively handled, an asset in the building and making of our country.

The immigrant brings a willingness to serve this country, and during the World War he showed a readiness to die for it. Each of the nations have made a distinct contribution to America that has made our country the greatest in the world.

In conclusion let me say, let not provincialism, limited vision, lack of understanding the immigrant, little or no sympathy with his point of view, be the stumblingblocks in forming a sound selective immigration policy. After the immigrant has arrived to our country let us give him sympathetic interest. Inspire him with that type of citizenship by which he will become a coworker eager to share the responsibility in our civic life. Let us interpret America in the terms of a square deal.

The assimilation of the immigrant and his absorption into our national life will be accomplished not with pressure on our part, but with patience, with sympathetic understanding based on sound, practical, and humane plans. If we approach the problem in this spirit I am certain that we will inspire each immigrant to give his best to America.

Senator HARRISON. Mr. Chairman, Judge Sabath is here now. I suggest we hear him.

The CHAIRMAN. We will hear you, Judge Sabath.

**STATEMENT OF HON. ADOLPH J. SABATH, A REPRESENTATIVE FROM THE STATE OF ILLINOIS.**

MR. SABATH. Mr. Chairman and gentlemen, I do not want to take up any time. I wish I could secure 10 or 15 minutes some day when you can spare the time. But to-day I am not going to impose upon you. I am going to present to you to-day a person selected by the coming council of the city of Chicago to appear before your committee and address you. Alderman John H. Lyle has been selected as spokesman, and he desires to be heard briefly and express the views of the members of the common council of the city of Chicago.

The CHAIRMAN. We will be glad to hear Mr. Lyle.

**STATEMENT OF HON. JOHN H. LYLE, A MEMBER OF THE CITY COUNCIL OF THE CITY OF CHICAGO.**

The CHAIRMAN. Will you give your full name and whom you represent, Mr. Lyle?

MR. LYLE. My name is John H. Lyle; I am a member of the city council of the city of Chicago.

About the only contribution we could make to this discussion, Mr. Chairman, would be to tell you the sentiments of the city of Chicago as expressed through the city council and various civic bodies which have cooperated with it in a discussion of these two bills. The merits of the respective figures and data here we will not comment on in the slightest.

Very recently there was a request for \$2,000,000 extra for night schools in the city of Chicago. One of the committees of the city council looked into the situation to find what was the necessity for this additional appropriation, and we found that the foreign peoples of the city of Chicago were attending our night schools in unprecedented numbers; that the recent immigrants who come to Chicago have really filled up and choked our night schools until we have had to build portable schools. A few days ago the city council—

Senator KING (interposing). That included, I suppose, a number of adults who are attending the night schools?

MR. LYLE. Oh, yes; adults.

Senator KING. Women as well as men?

MR. LYLE. Women as well as men; but principally the children of the foreign people who have to work days and who can not go to school days but must go in the evenings. We have perhaps the largest number of law schools in the country—night law schools—in the city of Chicago. They are filled up with the boys and even girls of foreign-speaking peoples.

We had a meeting in the council, and at that meeting you might think there would be only the representatives of the foreign-speaking people—representatives of the foreign-press societies. It is true many of them were there, but in great numbers there were people whose ancestors dated generations back. For instance, one of our aldermen, Alderman Eaton, son-in-law of President Harper, who founded the University of Chicago—his ancestors date back three or four hundred years in this country. They all took the position that

Chicago had had such wonderful experiences in building up the city with peoples of foreign nationalities that it would be very unfair to pass a bill such as is generally supposed to be now pending in Congress, which would discriminate in favor of one nation as against the other. And briefly, and almost in conclusion, the sentiment of the whole meeting was as expressed, not by foreign people themselves—the same sentiments as were expressed by the chairman of your committee here a few moments ago, almost identical; that was the spirit of the meeting. And so we bring to you the resolutions adopted by the common council. Also resolutions of the meeting at which were representatives of the important clubs, associations of business men, and various civic organizations made up principally of Americans who were born in this country and whose ancestry dated far back.

For my own self I may say this: For 10 years I have held public office; once as a member of the State legislature. I met there in the legislature members who were born abroad. The most intense interest and patriotism seemed to be shown by those members of the legislature. And now for six years I have been a member of the city council. Not so many of our members are foreign born, but of the members of the city council, perhaps the most diligent members, or as diligent members as we have of the city council, and as conscientious members as we have, are the foreign-born members.

For myself personally, I may say that my ancestry dates far back in this country. I remember as a barefoot boy in short trousers I used to look with awe and respect at the leading member of our bar in that little town in the hills of east Tennessee, Judge Shields, and I remember very distinctly the first time I came to Chicago I saw the first foreigner—23 years ago. We had never seen a foreigner until I came to Chicago, and naturally I was very much opposed to the foreigners. But after becoming acquainted with them in the State legislature and in my own city and in the city council for six years now, I can say that I have the utmost regard, and I feel that it would be very discriminatory to pass a bill such as has been reported is about to be passed.

For my own ward, which I represent, 55,000 people, I do not suppose there are 2,000 foreign-born people in my own ward. Three other members of the council are here who represent and live in wards almost exclusively made up of generations of people whose parents and grandparents were born here. One member of our committee is a gentleman whose great-grandfather was born in the ward in which he lives. His father was mayor of Chicago years ago. He is here, and is here to speak for these foreign-born people.

We thank you, Mr. Chairman and gentlemen, and will submit copies of the resolutions and you may do what you see fit with them.

The CHAIRMAN. Have you copies of the resolutions?

Mr. LYLE. Our city clerk will forward them to you, certified copies of them.

Senator REED of Pennsylvania. Mr. Chairman, Mr. Trevor is here. He is the gentleman of whom Senator Lodge spoke to you yesterday. He is obliged to catch a train, and if you will hear him at this time it will be appreciated by him.

Mr. SABATH. Will you pardon me a moment, Mr. Chairman. Will you permit these resolutions to be filed?

The CHAIRMAN. With the consent of the committee, they may be filed.

(The resolutions were afterwards furnished by Mr. Lyle, and are as follows:)

Whereas a majority of the Immigration Committee of the House of Representatives of the United States has within the past week reported out what is commonly known as the Johnson immigration bill; and

Whereas the said Johnson bill is discriminatory, unfair, un-American, and will bar entrance to the United States of a substantial portion of the best element of our present day foreign-born American citizenry; and

Whereas under a majority report of said committee the quota is reduced from 3 to 2 per cent and is based on the 1890 census rather than the 1920 census, which is wholly unfair and discriminatory to those masses from which have come some of the sturdiest American patriots; and

Whereas the adoption of said bill will result in numerous diplomatic difficulties with other countries; and

Whereas the adoption of said report will have the effect of keeping asunder entire families and will result in moral and economic hardships to a substantial portion of the inhabitants of this country; and

Whereas the city councils of other large cities of the United States have adopted resolutions condemning the said Johnson immigration bill: Now, therefore, be it

*Resolved*, That we, the city council of the city of Chicago, hereby voice our protest against the adoption of the so-called Johnson immigration bill, condemn its discriminatory spirit, and appeal to the Senate and House of Representatives and the President of the United States to give consideration to the claims of those of our citizens who have come from foreign shores and who have aided in the upbuilding of this glorious Republic; and be it further

*Resolved*, That a copy of these resolutions be transmitted to the President of the United States and to the Senators and Congressmen of the State of Illinois.

#### STATE OF ILLINOIS.

##### *County of Cook, ss.*

I, AL. F. GORMAN, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true and correct copy of the certain resolution adopted by the city council of the city of Chicago at a regular meeting held Wednesday, the 5th day of March, A. D. 1924.

Witness my hand and the corporate seal of the said city of Chicago this 12th day of March, A. D. 1924.

[SEAL]

AL. F. GORMAN, *City Clerk*.

Senator KING. I would like to ask one question, if I may. Without going into detail, Mr. Lyle, and assuming that communism is a bad thing for America, are there more Communists and Bolsheviks among the foreign-born people than among Americans; and if there are any more, what nationality has the greatest number?

Mr. LYLE. Speaking for myself and not for the committee, I would say there is more communism among the foreign born. I would say yes. And as to the nationality predominating, I would say the Russians.

Senator KING. Would that be the Russian Jews?

Mr. LYLE. I would not want to designate them, because some of our best foreign-born men in Chicago are Russian Jews, and we have had most favorable experiences with Russian Jews. What other cities have had I do not know.

Senator REED of Pennsylvania. Mr. Chairman, will you hear Mr. Trevor now?

The CHAIRMAN. Yes.



## STATEMENT OF MR. JOHN B. TREVOR.

Mr. TREVOR. Mr. Chairman and gentlemen, I want to speak specifically to the amendment introduced by Senator Reed. Having studied the immigration problem for four years since my discharge from the Army, I can very well appreciate the difficulties which confront the committees of Congress in the immigration problem. There are so many phases of it that it almost makes a man's head buzz to try to fathom it. I am going to confine myself strictly to one phase. And, in fact, I will not attempt to do justice to that. I will read you a conclusion on the matter which has already been printed by the committee and which is as brief as possible.

I would like also to say that I was very interested to see that the Senator from Pennsylvania had reached about the same idea that I had and had formulated it into an amendment. I will speak a little of the difficulties of putting that amendment into effect.

This material which I have before me and to which I am referring has already been printed for your consideration. It is submitted for your consideration with great diffidence. It is a preliminary study. In the course of its preparation other methods of apportionment have suggested themselves, but it has not been possible to follow them to completion, owing to the limited time at my disposal. But I have thought that probably my preliminary thoughts might be of interest to Members of the Congress.

It was not my intention originally to ask for a hearing, but after conferences with some friends in Washington, I stayed over and asked for an opportunity to present the matter to the committee. As I say, this is a preliminary study, but my researches make me believe I have presented something which approximates the truth, as a picture of what our population is to-day. And I must say that it represents a picture of races in solution, rather than being considered in view of the inevitable mixture that has taken place. In so far as it does do this, and taking into consideration details which I can not take your time now to elaborate, I am convinced, speaking broadly, that H. R. 6540 gives the elements who are most vociferous in their charges of discrimination more than they could hope for if it were possible for the Census Bureau to make an accurate apportionment of the racial strains in solution throughout our population to-day. Theoretically a quota based on such an analysis is ideal; but practically it would be a matter of great difficulty to construct a table of apportionment which would not be under fire year in and year out.

It is for these reasons that the general principles embodied in H. R. 6540 with some of the additions suggested by the Secretary of State appeal to me as the best solution of the problem.

I thank you.

(The statement referred to by Mr. Trevor is herewith incorporated in the record as follows:)

## PRELIMINARY STUDY OF IMMIGRATION PROBLEM. BY JOHN B. TREVOR.

Since it is an axiom of political science that a government not imposed by external force is the visible expression of the ideals, standards, and social viewpoint of the people over which it rules, it is obvious that a change in the character or composition of the population must inevitably result in the evolu-

tion of a form of government consonant with the base upon which it rests. If, therefore, the principle of individual liberty, guarded by a constitutional government created on this continent nearly a century and a half ago, is to endure, the basic strain of our population must be maintained and our economic standards preserved.

With full recognition of the material progress which we owe to the races from southern and eastern Europe, we are conscious not only that these people tended to depress our standard of living, unduly charge our institutions for the care of the socially inadequate and criminal, but also that they can not point during a period of seven centuries since Magna Charta to any conception of successful government other than a paternal autocracy. It being demonstrable under the provisions of the emergency legislation that immigration from southern and eastern Europe may enter the United States on a basis of substantial equality with that admitted from the older sources of supply, it is clear that if any appreciable number of immigrants are to be allowed to land upon our shores the balance of racial preponderance must in time pass to those elements of the population who reproduce rapidly at a lower standard of living than those possessing other ideals.

It is hardly necessary to say that we owe impartial justice to all those who have established themselves in our midst, and that they are not only entitled to share in our prosperity, but also that we are glad to recognize the contribution of their genius to the advancement of our national welfare. On the other hand, the American people do not concede the right of any foreign group in the United States, or government abroad, to demand a participation of our possessions, tangible or intangible, or to dictate the character of our legislation. The problem then is, how can we frame an immigration law to meet all these conditions?

It has been suggested that the adoption of the 1890 census in lieu of that of 1910 will accomplish an equitable apportionment between the emigration originating in northwestern Europe and in southern and eastern Europe, respectively. This principle has been embodied in the House committee bill now before Congress. On the other hand, it is alleged that the selection of the census of 1890 as the basis for the computation of quotas, discriminates unjustly against immigration from what is called the newer sources of supply. Since the late arrivals are in all fairness not entitled to special privilege over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation, the obvious solution of the problem lies in the racial analysis of the population of the United States. The difficulties of such a proceeding are obviously very great, and the results, owing to the lack of complete data compiled in the earlier decennial enumerations made by our Government, can, therefore, only approximate the truth; nevertheless, such an approximation is of infinite value in demonstrating the falsity of the charges made by those whose interests and sympathies lie abroad rather than in the country of their adoption.

The table which accompanies this memorandum is a preliminary study, subject to such corrections as will be pointed out in the course of explanatory remarks relating to its construction.

In a book entitled "A Century of Population Growth," published in 1909 by the Department of Commerce and Labor, Bureau of the Census, appears an estimate that out of the population of the United States enumerated in 1900, 35,000,000 people were descended from the original stock counted in 1790. This estimate of 35,000,000 is an average of the results attained by three different methods of computation, whose totals approximate to an extraordinary degree, and for this reason, may be accepted as representing with fair accuracy the situation in 1900. Taking this figure of 35,000,000 as a basis of our present calculation, and applying to each decade since that date the rate of natural increase of the population as given for the decade 1910-1920, Volume II, page 16, we get 45,309,600. To this figure is added 1,210,000, to take account of the increase of those persons who entered the United States between 1790 and 1820, this element being derived from the same source as those which contributed to the so-called colonial stock. Now, if we apportion the total on the same basis as it was apportioned in 1790, we get the figures which appear in column "C." It is, of course, granted that this assumption is subject to some qualifications; nevertheless, it forms a basis on which to construct the table and probably, in general, reflects the facts.

If this figure of 46,519,600 be subtracted from the total native born of native parentage, as enumerated in 1920, we get the figures 11,902,357 as the con-

tribution made to the native born of native parentage by the generations established in our land since 1820. It must be said at this point that commencing with 1840 radical changes began to appear in the contribution to our population from foreign sources. The change particularly to be noted is the increase in the Irish and German immigration in proportion to the immigration from England, Scotland, and Wales. The date 1880, of course, is the turning point in the history of our immigration.

At that time commenced the influx from southern and eastern Europe of elements which tended to submerge all other accretions to our population, until the passage of the present quota law, which reduced the ratio between these two groups, old and new, to approximately a 50-50 basis. The apportionment of this element of native born of native parentage has proved a peculiarly difficult problem, because it is obvious that the earlier arrivals, while few in number, have contributed relatively greater proportions through their descendants to the native born of native parentage than has been possible for the elements who entered from countries subsequent to 1870, particularly since 1880. On the theory that the foreign-born population enumerated in 1890 fairly reflects the composition of the native born of native parentage in this particular group of 11,902,357, and in consideration of the fact that recent computations made for the preparation of tables used by the Immigration Committee of Congress have enabled apportionments to be made corresponding to the divisions of territory since the war, this method of division has been adopted, and the results appear in column "E."

It should be noted that in this preliminary draft no account has been taken of the contributions made by the Mexicans, Indians, Chinese, and Japanese to the native born of native parentage. It is, however, believed that such correction as may be necessary, will not affect the totals in column H, to any very great extent.

Column C enumerates the foreign stock, that is to say, the foreign born, native born of foreign parentage, and native born of mixed parentage in accordance with computations made in the 1920 census. Owing to the fact that an apportionment was not made at the time the tables for these elements were compiled and published in Volume II of the census of 1920 to correspond to the new divisions of territory since the war, a similar method of dividing approximately 25 per cent of the people enumerated in this column has been adopted for those States which are starred in column A. The figures for foreign stock in respect to Germany, France, and Italy have been left intact, because it proved impracticable to properly proportion the changes in population due to cessions or accretions of territory, as a result of the war; in other words, the tables as they stand must be considered to represent the principle and an approximation, rather than an exact figure.

Column H represents the totals of the preceding columns, and these totals from the basis for the computation of quotas in columns I and J. In order to illustrate the principles involved more clearly, it will be noted that two percentages have been selected. Column I gives the quota plus 200 on the basis of one-fifth of 1 per cent. Column J on the basis of one-fourth of 1 per cent plus 200. Column K, as the heading indicates, gives the quotas provided in H. R. 6540. Column L gives the quota now in force under the so-called emergency legislation. It should be noted that this compilation is based upon the Senate committee bill presenting Senator Reed's amendments to H. R. 6540.

An examination of the total admissible immigrants under these various quotas indicates that under the provisions of H. R. 6540, the nations of southern and eastern Europe receive more on a basis of only 169,083, total admissible from all countries than they would get with a total number of admissibles of 192,972, if the population were divided in accordance with the racial contribution made to our population in the past 130 years.

It is interesting to note that the Dutch, who contribute a very desirable class of immigrants, would receive more if the schedule enumerated in column J were adopted than they do under the present law, although the total of admissible immigrants under the schedule of column J is only 239,165, whereas, 357,803 are admitted under the provisions of the emergency legislation.

[Preliminary draft subject to correction.]

A	Apportionment as of 1790—		Apportionment of native born of native parentage contributed by arrivals since 1820.		Foreign stock: Foreign born plus native born of foreign parentage plus mixed parentage.		Total.	Quota.			
	Per cent.	Of population of 1920.	Per cent.	Number of persons.	Per cent.	Number of persons.		One-fifth of 1 per cent.	One-fourth of 1 per cent.	H. R. 6540.	Present.
B	C	D	E	F	G	H	I	J	K	L	
COUNTRY OF BIRTH.											
Albania.....			0.0024	286	0.032	10,875	11,161	224	228	204	288
Armenia.....			.0105	1,250	.098	29,894	31,144	262	278	217	230
Austria.....			.0153	73,235	3.130	1,053,067	1,136,322	2,473	3,041	1,190	7,342
Belgium.....			.3162	37,635		122,686	160,321	520	601	709	1,593
Bulgaria.....					.059	20,045	20,045	240	250	200	302
Czechoslovakia.....			1.1643	138,579	1.988	678,215	813,794	1,827	2,234	2,073	14,357
Danzig.....			1.1385	16,485		13,931	30,416	276	276	423	301
Denmark.....			1.7292	205,816		467,525	673,341	1,547	1,883	2,932	5,619
Estonia.....			.0634	7,546	.379	128,731	136,277	473	541	302	1,948
Finland.....			.0601	10,724		296,276	307,000	814	968	345	3,921
Fiume.....			.0062	738	.031	10,534	11,272	223	228	210	71
France.....	0.6	279,118	2.0414	242,975		1,181,987	1,704,080	3,608	4,480	4,078	5,729
Germany.....	5.64	2,623,705	31.0343	3,693,813		7,256,992	13,577,510	27,355	34,143	50,326	67,697
Great Britain and Ireland.....	91	42,332,636	39.3247	4,690,666		9,160,645	56,174,047	112,548	140,635	62,658	77,342
Greece.....			.0175	2,082	.967	328,441	330,524	861	1,026	235	3,063
Hungary.....			.3692	36,068	2.186	749,427	776,515	1,753	2,141	698	5,747
Iceland.....			.0223	2,654	.014	4,760	7,414	215	219	236	75
Italy.....			2.4172	287,704		3,336,941	3,624,645	7,449	9,262	4,089	42,057
Latvia.....			.0727	8,653	.434	147,411	156,064	512	590	317	1,540
Lithuania.....			.1877	22,341	.741	251,682	274,023	748	885	502	2,629
Luxemburg.....			.0860	4,285		43,109	47,394	295	319	258	82
Netherlands.....	2.5	1,162,990	1.0175	121,107		362,318	1,646,415	3,493	4,316	1,837	3,607
Norway.....			4.0109	477,392		1,023,225	1,500,617	3,201	3,952	6,633	12,302
Poland.....			5.5120	656,056	6.256	2,124,811	2,780,889	5,762	7,132	9,072	30,977
Portugal.....			.2943	35,064		134,794	169,858	540	625	674	2,465
Rumania.....			.3922	46,681	.568	191,905	238,586	677	796	851	7,419
Russia.....			1.1138	132,568	6.876	2,338,389	2,467,957	5,135	6,370	1,992	24,495
Spain.....			.0770	9,165		77,947	87,112	374	418	324	912
Sweden.....	.26	120,951	5.9428	707,333		1,457,382	2,285,666	4,771	5,914	9,761	20,042
Switzerland.....			1.2934	153,945		327,797	481,742	1,163	1,406	2,281	3,752
Yugoslavia.....			.4568	54,370	.952	316,554	370,924	942	1,127	935	6,426
Other Europe.....			.0776	9,236	.033	11,213	20,449	241	326	251	86
Palestine.....			.0006	71	.018	6,119	6,190	212	215	201	57

Syria.....			.0074	881	.282	99,183	100,064	400	450	212	882
Turkey.....			.0138	1,643	.203	68,954	70,597	341	378	223	2,654
Other Asia.....			.0279	3,321	.030	10,196	13,517	227	224	245	92
Africa.....			.0234	2,785	.028	9,515	12,300	225	231	238	104
Egypt.....			.0037	440	.005	1,704	2,144	204	205	206	18
Atlantic islands.....			.0254	3,023	.244	82,878	85,901	372	415	241	121
Australia.....			.0745	8,867	.061	20,724	28,591	259	274	320	279
New Zealand.....			.0416	4,951	.022	7,478	12,429	225	221	287	80
Total.....	100.00	46,519,600	100.0000	11,902,357	-----	33,964,280	92,380,237	192,972	239,165	169,083	357,803

Before turning to a series of statistics about which there can be no dispute, it must be pointed out that column G, which presents an enumeration of what is called "foreign stock" by the Census Bureau, includes an element which in the apportionment of our racial strains, in solution to-day, ought to be assigned to column E. This element to which I allude comprises the descendants of mixed parentage whose native parent was born of native parentage. It will be readily appreciated that while an apportionment on a 50-50 basis would credit the native born with its proper quota, an apportionment of this particular native element involves an error impossible to determine. The net result, of course, occasioned by transferring one-half or any fraction of this half of the mixed parentage to another column is to change the apportionment assigned to the various racial groups. On another occasion, it may be, further studies upon this question will enable a more comprehensive and accurate picture to be given of our racial analysis than has been possible at this time, but it may be said there is reason to believe that the basic stock originating in northwestern Europe will receive more than is credited to that element in the table printed above.

Now, if the reader will turn to page 897 of Volume II of the Census of 1920 a table will be found showing the country of origin of the foreign white stock by nativity and parentage for the United States; that is to say, as already mentioned, the foreign born, the native born of foreign parentage, and the native born of mixed parentage. As already indicated, the substance of this table in so far as it relates to the quota groups, has been enumerated in the table under column G. The division into northwestern, central, and southern Europe, etc., as given in the census table, must, however, be disregarded because it does not correspond with the commonly accepted division of territory for immigration purposes into northwestern Europe as distinguished from southern and eastern Europe.

It will be found, if the foreign stock credited to countries constituting the group of States located in southern and eastern Europe be added together, that the total contribution made by races of this origin to our total population amounts to 12,557,614, or 11.8 per cent. This 11.8 per cent of our population credited to southern and eastern Europe is the figure which we must bear in mind for the purpose of comparing its relation to the total quota allotted to southern and eastern Europe if the census of 1890, or that of 1910, be taken as the basis of computation of quotas in permanent immigration legislation. Under the provisions of the present quota law, based on the census of 1910, approximately 44 per cent of the quota is allotted to southern and eastern Europe, or, let us say, nearly four times the number of immigrants are admissible on this basis as southern and eastern Europeans in the United States to-day are justly entitled to claim—that is, if we take into consideration the relation existing between what that element has contributed to our population and the total number of persons enumerated by the census of 1920. As a matter of fact, Secretary Davis points out in his annual report for the year ending June 30, 1923, that out of 522,919 immigrants, 156,879, or 30 per cent, came from northern and western Europe, and 153,224, or 29.3 per cent, came from southern and eastern Europe; in other words, the admissibles from abroad split an almost exactly a 50-50 basis. On the other hand, if we take the census of 1890 as a basis for the computation of quotas, southern and eastern Europe would receive an allotment of approximately 15 per cent, or above the ratio existing between that element and the total population of the United States, as pointed out above. It must be pointed out that in making this computation no deduction has been made, as might properly be done, for one-half of the total credited by the census to mixed parentage, it being the assumption of the Census Bureau that persons having one parent native born and one foreign born are properly to be classified as foreign stock, and, considering the question in a broad way, I think that this is a fair attribution. The result of such deduction would, of course, lower the percentage to which southern and eastern Europeans might lay claim, thereby making conclusive the argument that southern and eastern Europeans would get under the 1890 census a larger quota than that to which they are logically entitled.

If we turn back now to the table accompanying this analysis of our population and add up the totals in column H assigned to southern and eastern European States, we get a figure of 13,728,355. This 13,728,355 is equivalent to 12.9 per cent of our total population and is comparable with the percentage of 11.8 per cent subject to the following qualifications: In the effort to arrive at a preliminary analysis as soon as possible, the apportionment in the table

to which I have just referred is based on the element of our population subject to quota allowances; that is to say, substantially the white element as distinct from our composite population. It would seem, therefore, that a deduction of maybe 1.4 per cent ought properly to be taken from the percentage 12.9 per cent, reducing this percentage therefore to 11.5 per cent. If this assumption is correct, we reach the same results with a negligible difference by two distinct methods of approaching the problem. Under these circumstances anyone free from foreign attachments and devoid of selfish interest must conclude that the adoption of the 1890 census, as a basis for the computation of quotas renders substantial justice to our unassimilated population, who by noisy clamor are attempting to coerce our President and Congress in behalf of races and people having no stake or care in the welfare of the United States.

Senator REED of Pennsylvania. Mr. Chairman, Mr. Hooker is here, and he has to catch a train, and he says that it will only take him three minutes to make his statement.

The CHAIRMAN. We will hear Mr. Hooker.

**STATEMENT OF MR. ELON HUNTINGTON HOOKER, NEW YORK CITY.**

Mr. HOOKER. Mr. Chairman and gentlemen, I have an address here which I would like to make to the committee. You have not time to hear it. May I leave it and have it incorporated in the record?

The CHAIRMAN. Yes.

Mr. HOOKER. I would like to say one or two things, Mr. Chairman. I am a business man; I am a manufacturer, engaged in handling both common and skilled labor all the time. I happen to be president of the American Chemical Manufacturers Association at this time. I am also a member of the American Defense Society.

As one of the men who would be most hit if it is a bad thing to exclude southern European immigration, I beg this committee to report the Johnson-Lodge bill, based on the 1890 census, and if you do not report that I hope you will report something that will go further than that.

I just want to add that at the present moment a bill is pending in the Senate and in the House under which General Atterbury, of Pennsylvania, and General White, and myself, are hoping to procure the control of the Muscle Shoals buildings as against the offers made by Henry Ford. You will hear more about that later on. I know all of these men are in favor of the strictest exclusion. I make this statement as a background for speaking of the 1890 census.

Senator REED of Pennsylvania. Mr. Hooker, you spoke of the Johnson bill. Have you seen the bill under consideration here in the Senate?

Mr. HOOKER. I am speaking of the original Johnson-Lodge bill.

Senator REED of Pennsylvania. Have you seen the bill here under consideration in the Senate?

Mr. HOOKER. I know there have been some modifications.

Senator KING. That adopts the 1910 census.

Mr. HOOKER. The 1910 census? I do not want that, gentlemen. I want the 1890 census, or something with more exclusion.

Senator REED of Pennsylvania. We want to get your view in a sentence. The bill before this committee is stricter than the Johnson

bill. It cuts out all exceptions, and puts everybody in the quota. It has more in it than the Johnson bill, in that respect.

Mr. HOOKER. Yes; I know that. My impression is that the bill as it came out of the committee is more stringent than Mr. Johnson asked it to be. I am willing to stand by it as it is, or was, if you stick to the 1890 census.

Senator REED of Pennsylvania. And your reason for sticking to the 1890 census is to get a population that corresponds more nearly to the whole foreign population at the present time; is that not it?

Mr. HOOKER. I think the result that those of us who have given this matter consideration want to attain will be attained by taking the 1890 census, and it would be more fair and just to the alien population that is here now.

Senator REED of Pennsylvania. What do you think of the quota system, based on the racial quota as at present here, native born, which includes us, and foreign born?

Mr. HOOKER. I would prefer the 1890 census.

Senator REED of Pennsylvania. Have you looked into the measure?

Mr. HOOKER. Not thoroughly.

Senator REED of Pennsylvania. You realize that it cuts down the quota more than the 1910 census?

Mr. HOOKER. Yes; I would like to see that done. I will leave this paper, Mr. Chairman.

The CHAIRMAN. It will be inserted in the record. We thank you. (The paper is printed in full, as follows:)

#### RESTRICTED IMMIGRATION.

I want to say at the outset that I am for restricted immigration. I wish to go even further and state that if legislation in the present Congress is not passed to this effect I am in favor of definitely cutting off all immigration entirely until we can establish some law that will properly restrict and regulate immigration into America.

#### STANDPOINT OF CITIZENSHIP.

It seems to me that it is time for all American citizens to view this matter from the standpoint of citizenship and to disregard the individual pinch or inconvenience to which we may be put whether we are looking at it from a standpoint of servants in our house or employees for our industry.

#### AMERICA'S CONTRIBUTION TO THE WORLD.

America has been the target for a great deal of propaganda and criticism and some scolding on the basis of her responsibility to the world. I feel that the greatest contribution America can make to world affairs is to demonstrate that her people can, "form a more perfect union," that a mass of humanity can "establish justice, insure domestic tranquillity" and carry out the other fundamentals mentioned in our Constitution. At this present moment we are only in the midst of this demonstration and the experiment of Government in these United States is not by any means assured.

#### FOUNDERS OF THIS COUNTRY.

We hear many people say that we are all of us immigrants and that it is the immigrants who made this country great. To such I should like to point out that this country was founded by a small body of men who cut themselves free from Europe because of persecution and thereupon founded a new form of Government. When they did so they were actuated by an entirely different motive than that of the latter day immigration. The originators of this Government had to conquer a wilderness and actually with their brain and brawn to build a Government. In doing that much bloodshed occurred. Their suffering



and privation we must not forget and it is well to recall it in contrast to the attraction which now inspires the immigrants to come here. This latter attraction is largely one of personal gain and financial improvement; it therefore seems to me that we, the descendants of the original founders of America, have a right to lift our voice in defense of the heritage which our ancestors made possible. We have suffered in the past and we are suffering at the present time certain distinct evils because of immigration; the importation of negroes into this country was the direct cause of our Civil War and our Nation had to go through bloodshed, hardship, and the horror of war to fight out the principle involved in the words of the Constitution "in order to form a more perfect Union."

#### EVENTS TRACEABLE TO IMMIGRATION.

We have recently seen here events traceable to immigration and to the aliens in our midst who have not become imbued with loyalty to America and the spirit of America. You have only to recall the cases of sabotage during the recent war, but there are more fundamental matters and as directly illustrative of the dangers which we are now suffering I wish to call your attention to an example, that of the town of Windber, in western Pennsylvania. This town was founded in 1897 when the mines of that part of Pennsylvania were opened. At that time there were 1,600 English and 400 American miners working. At the present time the town has a population of 9,500 comprised of 18 different races of recent immigration segregated in their own colonies, speaking their own languages, reading their own newspapers.

#### ALIEN SOCIETIES.

We are told that 50 per cent of the population of New England is alien. The Foreign Language Information Service of the American Red Cross estimates that there are 63,000 alien societies for the benefit of aliens in the United States, that these alien societies influence at least 25,000,000 people in this country. Whatever the original purpose of these societies, they were founded for social reasons, or for fraternal or for nationalistic sentiment or for the preservation of a language; they are un-American and they hold back the processes of Americanization in this country.

#### RACIAL GROUPS.

There are 36 different racial groups in the United States, speaking 42 different languages and dialects. This population is served by 1,200 newspapers and magazines printed in foreign languages.

Dr. Spencer L. Dawes, of the New York State Hospital Commission, has stated that it cost the State of New York last year over \$4,600,000 just for the care of maintaining insane aliens in the institutions of that State.

#### DEPENDENTS OF FOREIGN STOCK.

A recent hearing in Washington developed the fact that 7½ per cent of the total revenue of the several States is used in caring for degenerates and dependents of foreign stock. In some States almost 30 per cent of our taxes collected go for this purpose.

From the report of the committee on State affairs of the National Republican Club, we learn that New York State under the recently approved \$50,000,000 bond issue, will have to apportion of this sum, from nine to ten million dollars for new equipment and construction for the care of the alien insane who constitute 25 per cent of the inmates in its institutions.

From our last census we are told that one-third of the population of the United States is either alien by birth or of alien parentage. It is this enormous infiltration of alien stock into America and the fact of its remaining alien, in the ways that I have pointed out, that to my mind constitutes one of the great dangers that we have to face and one of the largest problems that we have to solve.

#### AMERICA MUST TAKE STOCK OF HERSELF.

To my mind we need time to solve it, a cutting off or at least a material reduction of the ingredients which are causing our present indigestion of alien races. America must pause and take stock of herself. We must do some in-

investigating and face our problems squarely and ask ourselves a few searching questions, and first and foremost, "What is the purpose of the United States?"

We are great industrially, much greater than our forefathers ever could have conceived when they sought here to build a new nation.

#### ARE WE MAINTAINING OUR STANDARD OF CITIZENSHIP?

In the present age we seem to be engaged in a general rush, a drive to burn our supply of coal, to convert our deposit of metals into finished products, to chop down our forests, to burn our oil. This is quite justifiable in so far as it contributes to the health, happiness, and advancement of mankind and so long also as we remain masters of things, materials, and wealth while at the same time maintaining the standard of citizenship. The question which we all must face frankly and squarely and which we must ask ourselves individually and collectively is: Are we maintaining our standard of citizenship? Are there evidences of decay in the quality and purity of this citizenship? Personally as I view events in America I feel a sense of degradation and I feel that we must all purge ourselves and go through a process of house-cleaning.

It was the spirit and character of our forefathers which created a form of government new to the world at that time and it was their character and spirit which sustained our free institutions during the infancy of this Government up to the time when the Government was strong enough to function. The body of our colonial stock and all our immigration for 100 years after we declared our independence came of the only race which have been successful to any considerable degree in the establishment and carrying forward of free representative Government and of an individualistic life supported by such Government.

#### THE QUESTION IS ONE OF DIFFERENCE BETWEEN RACES AND NOT OF SUPERIORITY.

It is important to stress the point that I am not considering any question of superiority or inferiority of one race over another. The point which we must squarely set before us is the differences between races and civilizations. Our original ancestry was largely Anglo-Saxon, and as such it is different, not superior, to other world races. It came of a distinct "European stock," having a distinct language and a distinct history, and it came to America from only a small section of Europe.

The races which have not in the course of ages shown an aspiration or an aptitude for the ideals set up in this country and the duties of free citizenship are of different material and are therefore, not the kind of material for the making of Americans, nor are they of the kind we must have to meet and to preserve future American responsibilities. Our future depends upon our citizenship, and its molding and forming is in our hands and is the most important question which we of this generation have to pass on. The races of Africa, Asia, the Near East, and the Mediterranean regions have had abundant time and wealth of resources to have built up a successful, free, individualistic civilization such as ours is and will be so long as it is American.

#### DIFFERENT IDEAS OF GOVERNMENT.

Ramsay Traquair, in the Atlantic, stated:

"The Anglo-Saxon stock still constitutes fully two-thirds of the population and almost the whole of the rural population. This stock is quite certain that it intends to remain dominant and to remain Anglo-Saxon, but it is hardly possible for the present Americans to absorb the mass of Poles, Lithuanians, Russians, Greeks, Bulgarians, Italians, Hungarians, and Jews and to remain unchanged. These people have their own ideals of politics and government."

#### THE MELTING POT THEORY.

I think we must frankly confess that the "melting pot" theory is a fallacy. On this point Professor Ward, of Harvard University, said, "We have deceived ourselves into thinking that we could change inferior beings into superior ones. We have thought that sending the alien children to school, teaching them English, giving them flag drills, and letting them recite the Gettysburg address and read the Declaration of Independence, would make Americans of them

almost overnight. Yet the laws of heredity are at work. We cannot make a heavy draft horse into a trotter by keeping him in a racing stable. \* \* \* Nor can we make a race true to the old American type by any process of Americanization, essential as that undertaking is for creating better citizenship."

## INTELLIGENCE TESTS.

Upon this the Secretary of Labor comments, "The intelligence tests applied to soldiers in the Army during the Great War have demonstrated, the scientists assert, that nearly one-half of our foreign born population is to be classified in the two lowest levels of intelligence rating. \* \* \* The effect on the American people of this steady incursion of individuals of low mental capacity can be readily seen."

"If," adds Professor Holmes, "we had to receive the millions of Europe who, we are told, are ready and anxious to emigrate to America, we should have such an overwhelming mass of ignorant; poverty-stricken humanity on our hands that 'Americanization' in any reasonable time would be a hopeless task. Conditions in our cities are bad enough now. With unrestricted immigration they would be almost intolerable."

## BIRTH RATE OF ORIGINAL STOCK.

Just here arises a question upon which the American people are in total ignorance. It is generally assumed that without the great immigrant masses that have come to this country we should be deficient in population. Nothing could be further from the truth. Gen. Francis A. Walker, who was superintendent of the 10th and 11th census, has shown that whenever our immigration rate has gone up our native birth rate has gone down, and that whenever the immigration rate has dropped the native birth rate has risen. He has shown, for instance, that when the immigration percentage was but 4.7 our percentage of natural increase was 31.9, and that when the immigration percentage rose to 41.7 our natural increase percentage fell to 15. "For every immigrant that lands in America, one less child is born to an American," Walker concludes.

General Walker is not alone in his deductions, for the principal authorities now agree that the United States would have a larger population to-day, all of them of basic stock, if there had been no immigration since 1820, and that as a matter of fact we have simply been substituting one race for another. If, say these authorities, we admit a million from abroad who have a lower wage scale than the people now here, a million Americans will remain unborn.

Hon. James J. Davis, Secretary of Labor, has said, "More foreigners have passed through Ellis Island within a few months than there were in the hosts of the Huns and Vandals who utterly destroyed the boasted civilization of the Roman Empire. The historians and scientists tell me that all the great civilizations of the past have fallen, not through hostile invasion, but through the peaceful penetration of alien peoples, usually entering their gates as workers or slaves."

## AGITATION DUE TO ALIENS.

"According to the Department of Justice," says the Saturday Evening Post, "90 per cent of all the agitation in the United States is due to aliens. From the Haymarket riot in Chicago down through the horrible massacre at Herrin, you find the impress of the undesirable foreigner. He is the prize fomentor of trouble \* \* \* Self-preservation demands a minimum of immigration."

Says the Secretary of Labor, "Immigration affects our political future, for it involves the entrance into America of red radicals from the revolution-torn countries of Europe who do not hesitate to preach the downfall of American institutions and the whole American scheme of representative government \* \* \*. We are told that Communistic propaganda in the United States is constantly in touch with the blood-drenched headquarters of the Soviet in Moscow, and we hear that emissaries of Lenin and Trotsky were despatched to the United States to preach their doctrines to American citizens \* \* \*. Under our immigration laws we admitted to this country last year (1922) some 30,000 individuals from Russia."

Two privileges are pressed into the hand of the immigrant when he touches American soil—the right, be he moron or competent, and whether he be for or against our institutions, to a voice in our affairs equal to that of any who

has expended a life's labor in making our Nation great, and the right, whatever his breed, to mix his blood, be it wholesome or foul, with that of our children.

The thing that is important is for America to look at and properly estimate the kind of character we now at this moment possess.

#### INDIFFERENCE A NATIONAL CHARACTERISTIC.

As a nation we have become more and more apathetic and indifferent. Some experts say that only 30 per cent of the voters entitled to vote exercise their franchise. Others put the figures much lower. This, if it be true, is a tragic example of indifference, and if indifference is the outstanding characteristic of the American character to-day a fresh stimulus must be supplied, otherwise the outlook is gloomy indeed.

The only solution and the greatest step that we can make is to develop an homogeneous people in order to create a spirit of nationalism.

It is said of the French people that out of every family from one to two sons have died for France on her battle fields, and this is given as a reason for the intense patriotism of the average Frenchman. We to-day lack that spirit of intense patriotism here. Is it because America constantly gives while exacting very little in return from her citizens?

It is time, I repeat, for America to stop and examine herself, and she can not do it in the turmoil of an inpouring horde from foreign countries.

ELON H. HOOKER.

Senator COPELAND. Mr. Chairman, will you hear Mr. McRae?

Senator REED of Pennsylvania. Senator King, Senator Harrison, and myself are expected at a meeting of the Finance Committee very soon.

The CHAIRMAN. Is there any objection, as this hearing will be printed, to our going on?

Senator KING. No.

Senator REED of Pennsylvania. No, sir. Can we continue and have a meeting this afternoon?

The CHAIRMAN. Yes.

Senator REED of Pennsylvania. Beginning at 2.30?

The CHAIRMAN. Yes.

Senator REED of Pennsylvania. Ending with an executive session, in which we shall take up the bill?

Senator COPELAND. Many of these people are here from New York ready to be heard, and if some of the members have to be excused, why should not the committee go on until 1 o'clock, and then convene again this afternoon and continue the session until they are heard?

The CHAIRMAN. It is understood that the committee will continue in session until 1 o'clock, and then take a recess until 2.15 this afternoon.

We will hear Mr. Pollak.

#### STATEMENT OF WALTER H. FOLLAKE, ATTORNEY FOR THE AMERICAN CIVIL LIBERTIES UNION, NEW YORK CITY.

Mr. POLLAK. I appear as an attorney on behalf of the American Civil Liberties Union, in connection with a special subject not heretofore considered, namely, section 23 of the Johnson bill, which imposes the burden of proof on an individual desiring to remain in the United States, when his right to so remain is in issue. It involves no quota, or right of entry, but a fundamental issue, as we conceive it, of constitutional liberty.

The committee will, of course, remember and recall the language of section 23, which is a very short and succinct paragraph in the bill, reading as follows [reading]:

Sec. 23. In any proceeding under the immigration laws the burden of proving the right of any individual to enter or remain in the United States shall, as between him and the United States, be upon such individual.

As a mere matter of construction it will at once appear that this phrase applies not only to every alien, but every citizen, because the phrase is "any individual," and "any individual" includes a citizen.

Senator KING. That is a very interesting point, and Senator Reed and Senator Harrison and I would like to hear this discussion. We shall have to be away for about 15 minutes, and then we can return.

Mr. POLLAK. I have no objection to waiting, Mr. Chairman, if I can get away by 2 o'clock this afternoon.

The CHAIRMAN. Very well; you are excused for the present, Mr. Pollak.

Senator COPELAND. May we hear from Mr. McRae now, Mr. Chairman?

The CHAIRMAN. Yes; we will hear Mr. McRae, of North Carolina.

#### STATEMENT OF MR. HUGH McRAE, WILMINGTON, N. C.

Mr. McRAE. Mr. Chairman and gentlemen of the Committee on Immigration of the Senate, I want to present this matter from an entirely new point of view, which perhaps many of you have heard, but a new point of view here. I want to present it from the standpoint of the agricultural situation.

I appreciate the privilege of being permitted to present this matter to a Senate committee and to present before you certain facts which I trust you will feel should have an important bearing in the final shaping of the pending immigration bill.

Of course, the matter will be considered as one of international importance and will naturally be considered in its broad relations, but the particular interest centers on its effect on the United States.

As my experience has been largely in the South, I want to refer to that locality particularly, not for sectional reasons but because I want to speak of the things I know of first hand. And you will agree, I am sure, with the view that what is for the benefit of any one part of the country is also for the benefit of the whole.

In order to be brief, I shall take the liberty of making certain positive statements. Should any of these statements, which will be positive statements, be questioned by any member of the committee, I will be glad to submit the proof.

This is an immigration bill, and it seems to me it offers a rare opportunity for constructive statesmanship. Perhaps not within a half century has there been an occasion where so much direct benefit could be conferred on the whole country, certainly on part of it, as by embodying good judgment into law. Certainly good results of national importance would flow from it.

For the record, I would like to present some data which you can file. These include the Government rainfall and growing season charts, and a typical map made by the United States Soil Survey, from which data it will be evident to you that the South has agri-

cultural possibilities as one of the most favored parts of the United States, and when nearest to markets is considered, it is one of the most favored parts of the world.

I have just returned from a trip abroad, through Denmark and Holland, and I presented there the data and the growing season chart prepared as I have stated, to the Danes and Hollanders, and proved to them that our soil map was perhaps the most complete, and our part of the country the most favored agricultural country in the world. And these northern people, who would, all will agree, make fine citizens, expressed their desire to come into the South to engage in agriculture. I am also quite sure that they would desire to come to other parts of the country. As I say, I am only speaking of that because I know of the conditions in the South.

Now, the rainfall chart, they know what that means. They know that you must have actually a certain amount of rainfall to be successful in agricultural operations. We can show them that our proximity to the markets is a great asset, and they know that they can carry on the kind of agriculture they are accustomed to, which is intensive agriculture.

Now, the value of agricultural products in the United States in 1880 was \$2,212,000,000. In contrast to this, the value of the South's agricultural products in 1922 was \$5,291,000,000. At the present time, however, the South is not producing one-third of the value that it might produce. The reason for this is threefold:

**First.** Great areas of productive land are not being utilized.

**Second.** The practically unlimited opportunity for diversified production and intensive farming is not availed of.

**Third.** The labor supply of the South has not been responsive to scientific advancement in agriculture.

For these three reasons the South is producing only about one-third of what it might produce, and yet it produced in 1922 twice as much as the whole country produced in 1880.

Now, the buying power of a country should be stimulated. The buying power of the South, due to its agricultural production, is one of the chief assets of the Nation, and it should be conserved and stimulated for the general good. The South is still reaping the incalculable cost of slavery. As the chains of the slaves were broken by Lincoln, the chains of the South can be broken by the Senate and Congress through constructive statesmanship.

The opportunity is here at this time, and it can be done through constructive legislation and statesmanship.

Restricted immigration is causing the industries of the North and West, the great centers of wealth and population, to call for the negroes by hundreds of thousands. This has had the effect of depleting the basic labor supply of the South, causing the abandonment of thousands of farms and resulting in loss from operation of thousands of others.

The greatest need of the South at the present time, and for the near future, is the supply of intelligent, high-class, intensive farmers—people like the Swedes, Danes and Hollanders, who have proven and will always prove good citizens; toward whom none of the arguments against immigration will hold. As evidence of the needs of the South, I submit a few typical letters, which, if desired, may be made a part of the record.

Senator COPELAND. Pardon me. Would you not get the same skill from the Italians?

Mr. McRAE. Yes; I think we would from the Italians. I am in favor of any good agricultural immigrant that will go to the land. But to-day public sentiment is not with me. I do not want to go against public sentiment. To-day the public sentiment calls for the Dane, the Swede, and the Hollander. But I love the Italian also.

Senator COPELAND. I tried to get the committee to say that he was a skilled laborer.

Mr. McRAE. They should be. Why the courts have ruled that they are not skilled laborers, I do not know. I would rather have a skilled farmer than a skilled watchmaker, or a skilled worker in a factory. We should cut out this fool farming. I have just come, as I said, from a study of intensive farming. I have seen it in the last six months, and I know what they can do. The average southern tenant farmer is as unskilled as a farmer can be; and the average farmer of Denmark and Holland is as skilled as a man can be.

The CHAIRMAN. What practical suggestions have you to make?

Mr. McRAE. I will come to them in a moment. We have tried for 15 or 20 years to get these Hollanders and skilled farmers into the Castle Haynes colony, in North Carolina, where wonderful results may be attained by intensive farming. When we started with that we were producing in a certain area only \$1,000 per year, and that same land last year produced \$500,000, under intensive cultivation methods. In other words, practically 500 times as much. That came as a result of skilled farming; but as long as you say there is no skilled farming you will not get anywhere.

Now, these desirable people and families want to come to the South, not as laborers, but as families of the independent farm owners. They want to come where there are no disadvantages; where they are wanted for specific purposes, and where the rewards would justify their expectations. And I am confident that a few words put into your bill will add \$1,000,000,000 annually to our agriculture without any harm to anyone, and it may add \$5,000,000,000 a year, because I believe we can double the agricultural products of the South. And I have made a study of this subject long enough and worked at it long enough so that I will be accepted, in our country at least, as an authority. In fact, I was asked by the agricultural commission of our State to go with them to Utah and California and other western States to study these subjects. And from there I went to Denmark and Holland, from which I have just returned.

Senator WILLIS. Now, what is the practical suggestion you would make; what can we add to the bill to do what you suggest?

Mr. McRAE. Take any quota you want; I am in favor of a restricted immigration. But if you will put in these instructions to your consul to give the skilled and diversified farmer the preference, you will get farmers, instead of men that come into this country and drift into the slums, and never get anywhere else. And wherever you get a man on the land, he will love your country.

Senator WILLIS. Your suggestion then is that this skilled farmer should be put into a preferred class?

Mr. McRAE. Yes; he should be given a preferred class, ahead of preachers, doctors, lawyers, etc. We have enough of them. We all

have to live off the farmer, and why not get enough of good skilled farmers to till our soil?

In a report made by the American Bankers' Association—and they have given this subject careful study—it is recommended that we take special care to get skilled farmers, and that agricultural labor and families wishing to settle on farms be admitted beyond the quota; and further, that appropriate governmental agricultural services be at the disposal of the immigrant to direct him to the land. The House bill, in its present form, will preclude skilled farmers and experienced farm labor from becoming any appreciable portion of the immigrants to this country. It shows that this matter has not been given careful consideration. You might as well be plain about it. It will actually keep out skilled farmers. That bill divides those coming into monthly quotas. Anybody who knows about farming conditions knows that those who are coming from the farms have to be here by the first of the year. Farm work has to be commenced, and matters have to be shaped up on the farm on the first of the year. The farmers can not come in monthly installments. If the farmers from abroad try to come in monthly installments, as they are entitled from their various countries, the farmer will find that the quota from his country is filled with undesirables. Consequently, the bill as proposed helps out the undesirables.

Senator KEYES. I would like to ask the witness if he will not prepare such an amendment as he suggests.

Mr. McRAE. Our Senators from North Carolina would be glad to prepare such an amendment.

If a selective immigration law is substituted for the present purely restrictive law, and the movement of skilled farmers available is directed to accredited localities, the effect would soon be felt over wide areas, because such progressive city or community would ask for and take proper care of groups of intensive farmers. Selective immigration makes it possible for the United States to get the class of citizens it wants, rather than those whom other countries wish to send. It would supply skilled agriculturalists and experienced farm laborers trained in intensive and diversified farming, who are required to meet definite demands in certain localities. It will make it possible to select nationalities which have shown an aptitude to become American citizens. It will give an opportunity to avoid arbitrary discrimination against those nations of northern Europe which have always been regarded as the sources from which the best class of immigrants have come to the United States.

I believe I am representing the wishes of the Southern States in urging that you frame a selective immigration bill, which will permit skilled farmers and experienced farm laborers to come into this country, in order to meet the present great need for diversification in agriculture.

Now, in the world work California is quoted as having wonderful immigration from northern Europe, which has made it a great State. We all know it is a great State, and they have done much on the immigration from northern Europe.

The CHAIRMAN. They have the Japanese there also.

Mr. McRAE. Yes; the Japanese are there, but they use those also who have contributed greatly to the wealth of California.



Now, my thought is that any State, whether it be Florida, or California, or North Carolina, or any other State, if they know they want particular kinds of immigrants, no labor organization—because that is what it comes to—should tell them they can not have those people to develop their lands. I know it is not good for the South to have them say, "You shall not have your skilled and selected farmers."

Now, if this is properly worked out, as I have said, each progressive city would be glad to have near it and to take care of a group of intensive capable farmers, who will produce for them and who will show the rest of the country how farming should be done.

Now, I think that about covers my remarks, but I want to say something in support of it. I went over to Holland to see if there was any group over there who would come, and any who would direct immigration. I found that the governors and other influential people, the best people of Holland, were forming such a group. They were willing to take the best people in Holland and let them come to the United States, or wherever they were needed. And the reason for that is this: Holland is so densely populated, about 500 people to a square mile, that it is necessary for them to have an outlet for their people. These people must go to Canada or other places if we do not have them come to America. If we admit them here they will help us to develop our land, because it is known that they are the finest farmers in the world. And I have here some letters which I asked them to write, simply because I did not want to come back to America with unsupported statements. If I had come back here and told you this, you would have said, perhaps, "You are dreaming," or something to that effect. But here I have letters from the most influential people in Holland saying those are the conditions and that they will help us to get these farmers.

Gentlemen, I thank you very much for your attention. I hope you will let me file these letters and a report on the Castle Haynes Colony. I want to repeat, Mr. Chairman, that for the first time in the history of our country we can now get any desired number of these splendid people. They will come to accredited locations, with the approval of their government officials, and selected by them. This is possible because of the after-effects of the war and the collapse of the German markets, which absorbed a great proportion of the products of Holland, Denmark, and other countries of northern Europe.

It has been said by a Secretary of Agriculture that he could, with 100 selected families of this kind, revolutionize the agriculture of the South. With their knowledge and skill, and through their example, this could be done easily with a few thousand families. By using them to replace the gaps in the economic structure caused by the migration of negroes, only the greatest benefits would result to the South.

I desire also, Mr. Chairman, to leave with you copies of a few letters, not only showing the condition in Holland and Denmark, but letters from people in the South telling of empty farms and abandoned farms, which is being brought about by the migration of the negroes, which migration is being brought about because of two reasons. One reason is the boll weevil, and another is that the industry of the North, not having sufficient help, are taking hundreds

and thousands of the laborers and filling in with them. This is not benefiting labor. It is benefiting the South. But as long as our lands are depleted, we feel that we should have the right to get this selected class of people for our farms, and we hope that you, as Senators, will give us this consideration.

Senator SHIELDS. Mr. McRae, you are speaking particularly for the South. You are not any more of a southerner than I am, and no more of an agriculturalist or sympathetic with this matter of agriculture than I am. But this matter of agriculture is just as applicable to every State as to North Carolina, is it not?

Mr. McRAE. Yes, sir.

Senator SHIELDS. It is a national question.

Mr. McRAE. It is a national question, but it is more acute with us.

Senator SHIELDS. But there are only 5 per cent of these immigrants that ever get on the land.

Mr. McRAE. Yes, sir.

Senator SHIELDS. They stop in the factories.

Mr. McRAE. That is exactly so.

Senator SHIELDS. How are you going to get them to the farms? You can not put them in the hands of a marshal, and direct them from the ships to the farms.

Mr. McRAE. You can do it, if you do it under the proposal I am making.

Senator SHIELDS. Many of them never leave the seashore: they stop at the shops and the mills.

Mr. McRAE. Yes, sir.

Senator SHIELDS. Now, this is a case of statesmanship, and it is closely connected with our institutions, and the people who have made our country great. And that is the chief object of this bill, and not development in the interest of any State, or any part of the United States, or any industry of any kind. Those are subordinate questions. They ought to be considered and will be considered, but no selfish matter or interest of any State or any industry or any class of business can be considered.

The CHAIRMAN. Mr. McRae, you know we have a contract labor law?

Mr. McRAE. Yes, sir.

The CHAIRMAN. In Canada they have no contract labor law.

Mr. McRAE. No.

The CHAIRMAN. Canada is governed by an immigration commission.

Mr. McRAE. Yes, sir.

The CHAIRMAN. What do they do there? If they want agriculturalists for Alberta, they send a man abroad to make the selection of the men they want to go out there; and they make the selection in Holland, or in the other places?

Mr. McRAE. Yes, sir.

The CHAIRMAN. Now, you must remember in legislation you are surrounded with certain environments and certain laws, and we can not do what we would like to do. So your idea of going across and selecting the Hollanders and bringing them over here is not very easy to be carried out practically.

Mr. McRAE. You do not have to do that, Senator,

The CHAIRMAN. You did make one practical suggestion, and that is that within the quota skilled farmers should be a preferred class. Now, that is a practical suggestion.

Mr. McRAE. Senator, is not this a practical suggestion: Holland, which is the greatest country in the world for skilled farmers, will be cut down to a pitiful 2,000 people.

The CHAIRMAN. Yes.

Mr. McRAE. And some of those southern European countries will be given 50,000. Now, some clause should be put in there to give Holland—

The CHAIRMAN (interposing). Then you are reaching another practical suggestion: Whether we should delegate to the Department of Labor, or the head of that department, with the Department of Commerce, the power to bring in skilled labor, or seasonable labor. There you are running across the question as to what portion of its power Congress is willing to delegate.

Mr. McRAE. Senator, I am not asking for all skilled men, but for skilled farmers. And the labor is needed in the country. It is acute in Alabama, and throughout the South, North Carolina, South Carolina, and Georgia.

Senator WILLIS. You pointed out that the South is losing its negro labor. Now, if you get immigrants in North Carolina, why would they not be attracted by the same wages that is attracting the negro?

Mr. McRAE. I have proved that out. You can not make a Danish laborer go into the South and stay there, any more than you can keep a negro laborer there, unless you have something to offer him. But you can get a skilled farmer to go there and stay there. I have got men that have made \$10,000 on 10 acres of land. I have seen these skilled farmers who could not be attracted by the high wages in the factories or the shops. I have seen them turn away from the shipyards, and go to the farms, because they could make more money. You can get the men if they have the right opportunity, and they will stay on the farms. We do not want just laborers. It is not possible for the laborers to compete with the negroes. But we do want them as farm owners. As farm owners they will stay on the farms. It has taken me 20 years to prove that. But if you will send down a man, in 12 hours of time I can prove that proposition to him.

Senator KING. To what extent are you getting industrial labor or skilled farm labor, if you permit that expression, from the agricultural and industrial colleges?

Mr. McRAE. I am glad you brought out that question, Senator. We have not got the right system in this country. In Denmark their agricultural students go back to the farms and live there. In the United States we take our young men and educate them as farmers, and then there is no place for them to go, because agriculture is not skilled, and it is not on a footing that you place them on the farms. But you can make it so that every young man who goes to an agricultural college would be glad to go back to the farm.

May I file these papers for the record, Mr. Chairman?

The CHAIRMAN. Yes.

(The papers are as follows:)

DE NEDERLANDSCHE VEREENIGING "LANDVERHUIZING,"

*The Hague, February 13, 1924.*

HUGH MACRAE, Esq.,

*Wilmington, N. C., United States of America.*

MY DEAR MR. MACRAE: Please permit me to draw your attention to the following: According to information received from the United States, Mr. Davis, the Minister of Labor, intends to divide the quota from July 1 in equal parts over 12 months.

I fear that if that is done a good number of emigrants will be obliged to leave for America in winter. You the undoubtedly aware of the fact that it is, generally speaking, not desirable that newcomers arrive in winter.

According to my opinion emigrants should not leave before, say, toward the end of February and not arrive later than, say, the end of September.

An exception might, of course, be made for wives and children intending to join husband and father and having a home awaiting them.

Instead of the 12-month subdivision, I should prefer no subdivision at all, but leave it to the intending emigrants themselves, or a division over seven months, viz, July, August, September, March, April, May and June.

In those days when there was practically no limit to the immigration, the emigrants did as a rule not leave in winter, being warned by their friends in America against doing so and, of course, fearing to make the trip during those months when there is less chance for employment on arrival and more chance for rough weather during the sea trip.

Yours very sincerely,

SANDBERG, *The Manager.*

[Extract from letter of Director of Emigration, Jhr. J. C. C. Sandberg, of January 19, 1924.]

If, in addition to relatives of American citizens, bona fide farmers, farm hands, gardeners, fruit growers, bulb growers, cheese and butter makers, in short, all children of agriculture, were to be allowed to enter freely—complying, of course, with the other immigration regulations—the situation would be far more satisfactory than at present.

DEN HAAG, *January 11, 1924.*

MR. HUGH MCRAE,

*Wilmington.*

DEAR MR. MCRAE: At last we are able to let you know the establishment of our organization, which is called "Holland Central Emigration Foundation."

President, Mr. Walrave Boissevain, vice president of the Association for Industry and Commerce

Members of the board: Mr. F. K. J. Heringa (appointed by the Government), chief of the division of commerce and industries of the Department of Labor, Commerce and Industry; Dr. L. Deckers, M. P., secretary of the Netherlands Farmers Association; Dr. H. C. Dresselhuys, M. P., president horticultural council, president Netherlands Emigration League; Dr. J. C. A. Everwijn, vice president of the Netherlands-American Chamber of Commerce, director of the Netherlands Trading Society, late ambassador in Washington; Mr. Anth. Folmer, head of government service for unemployment, insurance, and labor exchanges; Mr. F. L. D. Nivard, alderman of the city of Rotterdam; Dr. J. C. Count van Randwijck, president of the association of municipal corporations.

Directors: Mr. Alex. G. Mürzer Bruyns, Dr. G. J. Verbrugt.

DEN HAAG, *January 11, 1924.*

MR. HUGH MCRAE, *Wilmington, N. C.:*

The goal of the H. C. E. F. is to promote and to direct emigration of selected Hollanders in the right channels, viz, to countries in which they can assimilate according to the population and climate.

The different founding societies, and our Government, who have appointed the members of the board, are guarantee that the selection will be carried out as carefully as possible, so that the emigrants sent out by the foundation will be as fine a body of men, women, boys, and girls as any country can require.

For the above-mentioned goal the H. C. E. F. also wishes to establish organizations in the United States, Canada, and Australia, to receive our emigrants and to help them on in such a way that each person may be directed toward the locality and work that he is best suited for.

We shall be glad to cooperate with you in this matter, and as a beginner we can let you know that we have ready for shipment two dozen young trained horticulturists, truck gardeners and fruit growers.

Is there any possibility of getting a special permit for these men above the quorum?

Otherwise we'll have to send them to Canada. Maybe later they'll drift into the United States anyhow.

Mr. Mörzer Bruyns hopes to be in New York in the spring of this year and will let you know when. He then expects to pay a visit to North Carolina; eventually will a member of the horticultural council.

We arranged with Mr. Vos that in case he has good men or women, he will send them on to us.

Mr. Vos has sent us a copy of his letter to you dated January 6 or 7.

Sincerely yours,

HOLLAND CENTRAL EMIGRATION FOUNDATION,  
A. G. MÖRZER BRUYNs.

FEBRUARY 14, 1924.

Mr. HUGH MACRAE,

*Wilmington, N. C., United States of America.*

DEAR MR. MACRAE: Your letter of January 29 duly received. The Central Emigration Foundation Holland with the members of the board drawn from the different societies, representing the general opinion of the entire country, know that Holland at present is in a dangerous state of overpopulation, a situation which grows worse every day.

Therefore thousands and thousands of people of all trades and conditions in this country are waiting for the opportunity of settling themselves in the United States of America.

Holland recognizes the right of the United States to demand immigrants of superior quality for future citizenship, and it is the purpose of our foundation to investigate each individual case and to guarantee that only carefully selected people will be sent out.

There is hardly need to point out here that, since the year 1600 till now, Hollanders have proved to be the kind of settlers who make themselves worthy of their adopted land and desirable to the community in which they live, having a large percentage of men with sterling qualities.

Therefore it is hard to have our selected country men and women treated in the same way as the swarms of immigrants of other countries who came to the United States only after the country had been settled by Hollanders and Britishers.

We sincerely hope that due to the above-stated facts some arrangements can be arrived at which will make it possible for the Hollanders selected by the Central Emigration Foundation Holland to enter the United States as the most desirable citizens of the future.

Any help in this direction will be highly appreciated by us and you will receive our most careful and hearty cooperation.

In the meantime sincerely yours,

CENTRAL EMIGRATION FOUNDATION HOLLAND,  
WALRAVE BOISSEvain, *President*.  
A. G. MÖRZER BRUYNs, *Secretary*.

GEORGIA PEANUT GROWERS' COOPERATIVE ASSOCIATION,  
*Albany, Ga., February 11, 1924.*

Mr. HUGH MACRAE,

*Wilmington, N. C.*

DEAR MR. MACRAE: I have a number of farms in the very best section of Georgia, the southwest section, which on account of the depressed conditions in agriculture for the past three years I have been forced to take in on account of loans.

We are very anxious to get these farms occupied by good northern farmers or good agricultural immigrants just arrived in this country. We prefer these farms to be at work instead of being idle, and we offer them rent free for the first year to the right class of farmers.

We have been informed that you are in touch with the class of farmers we would want, and are taking the liberty of writing you and asking if you would be interested, and if so, please advise me.

Yours very truly,

SPENCE LOAN & TRUST CO.,  
ROBERT E. L. SPENCE, *President.*

POTTER FARMS (INC.),  
*New York City, December 28, 1923.*

DEAR SIR: We have been considering for some time the question of settling upon Potter Farms and Broad Acre Ranch property some Dutch immigrants. Recently it has been brought to our attention that you are interested in the same general question in connection with your properties near Wilmington.

I should like very much to meet you and discuss the subject, as it might be possible that some cooperation between us could be established. The reason for writing you at the moment is to say that I am planning to be in Belhaven, N. C., for a few days the second week in January, that is, from the 6th to the 9th. If you are to be in Wilmington, I shall be glad to come to Wilmington to talk the matter over with you if this plan meets with your approval. It is also possible that you occasionally get to New York, and, if that is so, I would appreciate your letting me know so that I can call upon you here.

I expect to leave New York on the second of January and shall not be back before going to North Carolina. Perhaps you will pardon me, therefore, for inclosing an envelope addressed to me at my up-town address, so that your answer will come the more quickly.

Like many other people who are connected with North Carolina enterprises, I have been very much interested in the remarkable work which you have done for the State, and it will be a pleasure to meet you.

Yours very truly,

J. H. SEARS.

HUGH MACRAE, Esq.,  
*Wilmington, N. C.*

*CHARLOTTE, N. C., January 19, 1924.*

MR. HUGH MACRAE,  
*Wilmington, N. C.*

DEAR SIR: I am taking the very great liberty of writing you and asking your opinion about matters on which you may not care to express an opinion. If you do not care to advise me or if you can not furnish the advice without trouble, I shall, of course, understand perfectly.

I find myself more or less actively engaged in the management of a farm in Cabarrus County. This farm has about 10 tenant houses, and I am finding it most difficult to secure desirable negro tenants.

It has occurred to me that every year some rather desirable immigrants come to this country from northern Europe, and I was thinking of what could be done toward securing three or four families of these, who would make satisfactory farmers for small farms on the tenant plan.

My friend, Mr. W. R. Tallaffero, of this city, tells me that you have had experience of more or less similar nature to my proposal, and I am writing to ask you if you won't be so kind as to tell me what you think of my scheme, and what sort of farmers and citizens you have found these immigrants to be, and what nationality you would advise me to try to get as tenants.

I understand perfectly that the above is rather a large order and a point on which none other than a close personal friend may care to express themselves. Furthermore, you may not be able to answer my questions without considerable trouble.

If you feel that you would not care to offer advice, or if the matter would cause you any inconvenience whatever, please disregard this letter and I shall understand perfectly. If, however, you can furnish me the above information, I shall greatly appreciate your courtesy.

Thanking you for the attention which you have already extended me by reading this letter, I am,  
Very truly yours,

JNG. L. MOREHEAD.

THE L. W. ROGERS REALTY & TRUST CO.,  
Atlanta, Ga., January 29, 1924.

HON. WILLIAM C. REDFIELD,  
*Executive Vice President, New York City, N. Y.*

DEAR SIR: Yours of the 22d instant to Col. S. G. McLendon has been referred to us for attention. Colonel McLendon will also write you within the next few days.

We have read with intense interest the brief address made by you on the 17th instant, and what you say concerning South Carolina appertains to Georgia, except we believe a careful and scientific analysis will prove that we are more in need of skilled agriculturists, which means that we can offer greater opportunities to get them.

Truly there exists a "human vacuum" in Georgia, and for the reason, I, together with Mr. E. S. Center, jr., agricultural agent of the Georgia Railroad, visited the Dutch ambassador in New York and presented our claims to him. At the conclusion of this conference we realized that we preferred the Dutch immigrant above other classes of people, since an amalgamation of them with our people would soon reflect an era of prosperity which could not be accomplished otherwise, and to that end we secured pledges from United States Senators, our governor, and all the higher State officials to cooperate with us in our plans.

No doubt you will be interested to know that the Dutch consul general, Dr. W. B. Montijn, visited Georgia some two months ago, and I believe was very favorably impressed. At that time we were endeavoring to get our lands sold immediately to the Holland immigrant, but this was objected to by Doctor Montijn, who explained that his Government would discourage any purchase of lands by their people until their subjects had actually demonstrated that the lands and locality was what they wanted. We therefore have been at work securing options on desirable lands at low prices and for a period of one and two years, allowing a prospective purchaser to become a tenant on reasonable share basis, instead of requiring an outright purchase. You will observe that this meets the wishes of Doctor Montijn, and we are in a position to tender to the Dutch Government, when the time is propitious, concrete plans.

The writer heard the report of the Congressman from Mississippi, given to our local chamber of commerce some months ago, immediately after his return from the European investigation trip. There is nothing in your brief which conflicts with his report and recommendations to us for a selective type of immigrants, which shall be done at the port from which they are sailing; and I am confident that you will find both of our Senators, Messrs. Harris and George, ready to support the bill. These gentlemen are tremendously interested in building up agricultural Georgia, and strenuous effort must be made in obtaining the Dutch type of farmer, which class of people would be acceptable to most Georgians.

We regret that your letter did not arrive in time for us to get in communication with our Senators, in order that they might aid you in any way possible.

We have made a rather exhaustive study of our situation, and also the labor situation of Holland, and we frankly believe that our State and the Dutch Government can be of mutual assistance. Especially do we seek proper opportunity of presenting our credentials, warranting the statement that nowhere else in the United States is there such opportunities offered thrifty agriculturists as here in Georgia.

We are exceedingly anxious to be of every possible service to you in your endeavors as outlined in your brief, and we stand ready to cooperate with you to the fullest, if you but direct us as to your wishes.

In conclusion, may we state that our motive is not the exploitation of a land-development scheme, but we are anxiously seeking a practical solution of our abandoned farming district being put upon a profitable income basis, and the earnings distributed to the various channels of business, we naturally expecting to get our share.

Very truly yours,

BEN. R. PADGETT, *General Manager.*

ABERDEEN, N. C., January 21, 1924.

Hon. HUGH MACRAE,  
Wilmington, N. C.

DEAR MR. MACRAE: I wish you well in your idea of bringing emigrants taking the bold stand your amendment contemplates.

I and my son jointly own 2,000 acres of land in Scotland County. Two years ago we took the matter up with Senator Overman, and requested him to ascertain if it would be possible for us to settle young Scotch families on this land, say a family to every 40 or 50 acres.

It was our plan to go to Edinburg and secure these emigrants and convey to each family 40 or 50 acres of land in fee simple, and require no payment for the first two years; then they should pay one-tenth of the value of the land every year until finally paid for.

We had an idea if the land were sold in this way before the emigrants came over the immigration law and foreign contract law would be evaded, but Mr. Overman thought it would be impossible, and we were forced to let the matter drop.

To be sure, this is all beside the question, but it will go to show that other people have recognized the necessity of the relief contemplated in your amendment.

Very sincerely,

JOHNSON & JOHNSON,  
Per J. McN. JOHNSON.

Senator COPELAND. Mr. Chairman, may this letter, written to Mr. Johnson, chairman of the House committee, from Mr. Redfield, formerly Secretary of Commerce, be inserted in the record?

The CHAIRMAN. Certainly.

(The letter is printed in full, as follows:)

MARCH 4, 1923.

Hon. ALBERT JOHNSON,  
Chairman Committee on Immigration and Naturalization,  
House of Representatives, Washington D. C.

DEAR MR. JOHNSON: I regret that I did not receive your letter of the 9th ultimo in time to call upon you as kindly suggested in the final paragraph. Since that time I have been prevented by illness from giving the matter further care.

Speaking as one who realizes the necessity of wise restriction upon immigration and who approves broadly the principle of selective immigration, I venture to think that sufficient weight has not been given in current discussions upon the subject to certain clearly known facts which can easily be confirmed from official sources. Having said this, let me add that facts are stubborn things and make themselves respected without regard to opinions or enactments. Therefore I am on firm ground in placing before you facts rather than fancies or preferences for consideration.

It is a fact that millions of acres of arable land have gone back to wilderness in some of our Southeastern States for reasons that are widely known, to wit, the boll weevil, the lure of the mill, and the negro exodus.

It is a fact that untouched areas in Virginia and North Carolina and deserted farms in Michigan and other States call for culture.

It is a fact that the authorities of Georgia, South Carolina, North Carolina, Virginia, and responsible business bodies of Michigan will confirm these statements.

It is a fact that the price of farm products, such as vegetables and fruits, in our great cities is high and shows no present sign of falling while the demand is increasing.

It is a fact that we have no population on which we can draw, trained in the cultivation of garden truck for which the territories named are specially suited and for which the markets of our great cities call. Transportation is at hand in all these areas but not production. There is a social human vacuum here which we have no means of filling.

It is a fact that in the Netherlands (possibly elsewhere, but I speak from knowledge of the Netherlands) there are thousands of self-supporting small farmers trained in the cultivation of garden truck, all of whom have been taught the English language, whose coming offers the means, and the only visible means, of meeting the vacuum described.



It is a fact that an official committee exists in the Netherlands to make such careful selection of these proposed immigrants as will satisfy the most exacting demands.

It is a fact that the officials of the States named, or of counties and towns within them, are prepared to specify definite localities where these men are wanted.

It is therefore a fact that an officially ascertained demand exists for which there is an officially ascertained supply, and this supply is of trained men accustomed to institutions similar to ours, who have been taught our language, and whose sole purpose in coming would be to become citizens.

What reason can there be on any principle of restricting immigration to exclude Hollanders, taught our tongue and eager to do the work for which we ourselves officially admit our need? Surely this situation in which the facts are officially known on both sides of the sea should be favorably considered in pending legislation if for no other reason than that our own interests demand it.

Yours very truly,

WILLIAM C. REDFIELD,  
*President the Netherlands-America Foundation.*

The CHAIRMAN. We will hear Judge Freschi.

**STATEMENT OF JUDGE JOHN J. FRESCHI, REPRESENTING THE  
ITALIAN WELFARE LEAGUE, NEW YORK CITY.**

Mr. FRESCHI. Mr. Chairman and gentlemen, I want to thank you for the opportunity you have given me of coming here and presenting the views and work of the Italian Welfare League; and also of the advisory committee of the league, of which I have the honor to be chairman.

I do not intend to make a speech. Mr. Chairman, because as a judge for the last 12 years, I am not given much to speech making, but more to listening, and then I make my speech after the others have concluded, usually in one or two sentences. And it all depends on the character of speech whether it meets with disapproval or commendation.

I am here, Mr. Chairman, as a native-born American. My father came here in 1849, after he had fought in the rebellion of 1848. If my memory serves me right, his first vote was for Abraham Lincoln. It has been my good fortune in America to be honored by my fellow citizens. I have been serving them in Senator Copeland's city for a long time. And I was favored by the nonpartisan party, and the Republicans with the nomination for a place on the supreme court bench, but the people could not see me as they saw the other candidate. So I am out and he is in; but I am still holding the job.

I am here, not in favor of or against any quota law. I suppose that had there been a quota law when my father came over, I might not be here to speak to this committee to-day.

I am here to say just a word in the few moments allotted to me, respecting the sentiments of the Italian Welfare League, which is a social service organization. It has a branch office on Ellis Island, which devotes its energies and its time to the welfare of the incoming immigrants, in no way antagonizing the policy of the Government as at present administered.

The Italian Welfare League has had experience with families in Greater New York and vicinity. And they told me to tell you that in every case that has come to their notice they have found that where the immigrant in America has left his wife and children

abroad, the hardships are many. I will not bore you with details. They appreciate, and no doubt you do, that the primary object of legislation along this line, as so well expressed and forcibly and eloquently expressed by the chairman of this committee, is to make a good American citizen out of the immigrant; good financially, good economically, good industrially. We hold, and we therefore submit to you that there ought to be an exception or an exemption over the quota in this proposed statute so as to include within the exception the wife and all unmarried children under 21 years of age, of the immigrant.

Senator WILLIS. Judge, will you permit me to interrupt you just there, so as to be very sure we understand each other? I have before me this bill pending before the committee, and section 4 reads as follows:

Mr. FRESCHI. What page?

Senator WILLIS. Page 5. [Reading:]

In the issuance of visé certificates preference shall be given to an immigrant who is the unmarried child under 21 years of age, the husband, or the wife of a citizen of the United States.

Mr. FRESCHI. Yes, sir.

Senator WILLIS. Does that section meet with your approval?

Mr. FRESCHI. I do not think that meets the situation I have in mind, Senator. I have this supposed case: Mr. A comes to this country, and he remains a certain length of time; he either becomes an American citizen, or declares his intention to become such. If the monthly quota as fixed in your proposed law is exhausted, that man will be unable, as I understand it, to bring in his wife and his unmarried children under 21 years of age.

Senator COPELAND. Judge, there was a reason why we did that. If there was a quota which was exhausted in any one month, she could be given a preference the following month.

Mr. FRESCHI. Well, I am told that frequently an Italian immigrant who is a thrifty individual, has often been prepared to bring in his family at certain times of the year. Now, we know that as time goes on that fund of his may become exhausted, or used up. And unless he can use it immediately to bring in his family, there may be a possibility, or in fact a probability that that family may not be able to come in in the succeeding month, or any other period.

When you find in this country an immigrant with his wife and his family of children, you have the best kind of a combination to make the best type of American citizen, and to make out of him a useful factor in this country, an economic as well as a political factor in this country. It tends to his happiness. It tends to place him in that class which Mr. Trevor speaks of in his preliminary study of the immigration problem. It makes for economic standards and their preservation. And I think it will meet just exactly the spirit of this paper of his when he speaks of impartial justice and national welfare.

Senator WILLIS. What amendment then do you suggest to this bill?

Mr. FRESCHI. I think the statute proposed should in section 3, under the head of "Definition of 'immigrant'" contain a clause, after the word "except" on the 17th line of the bill—a clause that will put in that exemption the wife and all unmarried children under

21 years of age, of any person who is a citizen of this country, or who has declared his intention to become a citizen. I think that if a man is serious about becoming an American citizen, his declaration will indicate his attitude of mind toward our national well being and permanency of Government, as Senator Shields spoke of it a moment ago.

Senator WILLIS. Then why do you not get that same result, Judge, in the issuance of the visé certificate? The committee has sought to make a quota and get at this result by the issuance of a visé certificate.

Mr. FRESCHI. Because I can imagine the provision in section 3, line 16 of page 5 operating as a limitation in certain cases.

Senator WILLIS. Then your argument is that the quota ought to be larger?

Mr. FRESCHI. I say that there ought to be no quota at all as to these wives and these children.

Senator WILLIS. And that is equivalent to saying it ought to be a good deal larger?

Mr. FRESCHI. Of course.

The CHAIRMAN. Senator Willis, does not the preference merely extend to the wife, etc., of a citizen of the United States?

Senator WILLIS. Yes.

Mr. FRESCHI. Not to a declarant.

The CHAIRMAN. I do not think we realize that the statistics show that the average is about 10 years for aliens applying for final papers. I was going to say that it would eliminate the wives and children of those immigrants who came over recently.

Senator KING. Except as they come in under the quota.

The CHAIRMAN. I do not want to interrupt the witness, but it seems to me that this table prepared by Mr. Husband shows that immigration is largely a matter of relatives. I find that in the last year about 70 per cent, or 387,656 came over to join relatives. Those are the figures. If we include friends also, I was very much surprised to see that more than 80 per cent of the immigrants are selected from this side, by the relatives and friends of citizens who are here. Is that not true?

Mr. FRESCHI. That I do not know.

The CHAIRMAN. That bears on the humanitarian grounds. I am suggesting to you that the law ought to be liberalized so as to admit the wives and the children of citizens.

Mr. FRESCHI. I agree with that, of course.

The CHAIRMAN. Your idea is that this has a definite bearing on Americanization. All I wanted to say is that this table shows that the relatives and friends come over in large numbers to join those who are here.

Mr. FRESCHI. I think any legislation, Senator, of this character is wholesome legislation, so far as the process of amalgamation or Americanization is concerned. We are all, as I said a moment ago, concerned with getting the best out of the races of the world in manhood and womanhood, and fusing their elements and attributes that those people bring to America, and making a composite American out of them, so that we will have good Americans.

I am absolutely opposed, as you are, to the man who is a contract laborer bringing in the aliens, or to bringing in those who are diseased, or those who are likely to become a public charge, or the

others who are now prohibited under the law; I have always been against that. But I think my country, our country, would make a serious mistake first to open the door to an immigrant and allow him to come in alone, because he comes in as an explorer or adventurer; he comes to this land to lay plans and explore, and then to settle here, if he finds those opportunities here that he expected to find. And then having made a resolve that he wants to come to this country, he sends for his wife and children.

It would be pretty risky business for him to come to this land with his wife and family, and then meet a situation that would mean poverty and destruction for him and his. But when he comes here and finds what America is, and when he finds that he can serve America as a friend, and later as a citizen, then he will bring his family. The answer, Senator Willis, if I can suppose the case of a quota barring out the preferred wife of a citizen, or the preferred wife of a declarant is, I think, that what you have done in the case of an alien who was born in the Dominion of Canada, Newfoundland, the Republics of Mexico, Cuba, or Haiti, or the Dominican Republic, or the countries of Central and South America, you should do in the case of those from other countries who want to become citizens. I am, therefore, interested—and I speak for the league—in so amending that statute so as to allow the coming in of the wife and unmarried minor children of those who are American citizens, or who have declared their intention to become citizens, and not apply the quota law to them.

And I would ask leave to submit the resolution to the secretary, which has been passed by the league, and which will be sent to you.

I understand Mr. Marshall will take up other phases of this subject.

One thing more. I do not know the Senator to the chairman's left—

Senator COPELAND. Senator King.

Mr. FRESCHI. He spoke of fraud. There is one answer to that: There can be such rigorous legislation along this line that fraud will be almost impossible, and when perpetrated will be ferreted out and prosecuted. Of course, if there are frauds, and a woman comes to this country as the wife of a citizen or a declarant, where she is really only a friend or an affinity, then the law should be broad enough to prevent that. Safeguards can be put into the law to prevent that.

Now, the Italian Welfare League is for a clean plan of immigration. We are asking this legislative body to give to this country a document in the shape of a statute law that will bring here those who will contribute to the progress and prosperity of America, and help to make America even greater than she has been in the years gone by and is now.

I meant to refer to a book which was written by Dr. Antonio Stella, which he told me he had sent to the members of the committee, and I wish to commend that to you.

Senator KING. I have read it, and it is a very able work.

The CHAIRMAN. It has been received by the members of the committee.

Mr. FRESCHI. It has splendid statistical value, and I commend it to you.

I thank you, Mr. Chairman and gentlemen.

(The following brief is herewith made a part of the record, as representing the attitude of the Chicago Committee of American Citizens of Italian Extraction, who were unable to reach Washington in time to present oral testimony:)

BRIEF SUBMITTED BY CHICAGO COMMITTEE OF AMERICAN CITIZENS OF ITALIAN EXTRACTION.

MARCH 14, 1924.

TO THE UNITED STATES SENATE IMMIGRATION COMMITTEE.

GENTLEMEN: The proposed House bill to restrict immigration introduced by Representative Albert Johnson is causing the citizens of Italian extraction of the Middle West, and particularly in Illinois, a great amount of concern and indignation and is attracting considerable criticism against it from this and other sections of the country wherein reside American citizens of Italian extraction.

If it is the purpose of Congress to restrict immigration, we subscribe heartily to it; if it is the purpose of Congress to raise the standards of the would-be immigrants, we will say that we are in thorough accord and sympathy. In this there is no discrimination against any race. If Congress feels that the United States ought to have the best elements, clean in body and mind, that any country possesses, we will say that we are with you wholeheartedly.

The supreme interests of America are paramount with us, but we earnestly submit that millions of Americans of Italian birth and extraction should not be humiliated and degraded through the passage of the Johnson bill.

In restricting the quota of immigrants from Italy to a minimum and increasing that of the Nordic races to a maximum the American Nation will brand millions of its citizens as belonging to an inferior race. This we resent very strongly. There is nothing that Italy as a nation has done, and there is nothing that the Americans of Italian birth and extraction have done in this continent that would justify such unfair and brutally cruel treatment.

It is being urged that the Italian immigrant is not absorbed into American life; that he is un-American and even anti-American in spirit, ideals, and aspirations; in short, that he is unassimilable.

Who can testify best as to the assimilability of the immigrant? Is it not the man who is on the ground where the actual facts may be gleaned? Examine, for instance, the situation in Chicago, which has a considerable number of so-called unassimilated immigrants.

The Johnson bill virtually admits that the Nordic race is superior to the Italian. We ask in what respect? What are the greatest attributes of civilization? What country has contributed more than Italy to the arts, science, and literature?

Only to-day is the greatest scientific invention of modern times the product of a fertile Italian brain. Witness Guglielmo Marconi, not only the discoverer of wireless telegraphy but also the inventor of a system of broadcasting. Marvelous is this achievement, surpassed by no other, by whose ingenuity and mental power it is permitted to fight the forces of evil, of vice, of disease, of ignorance, and of injustice.

Everyone knows of the great architect and builder of the New Union Depot in Chicago, Mr. Joshua Esposito. No man who has not some knowledge of the speech, customs, ways of life, and habits of thought of this great country of ours could be capable of this great work. And who is the great builder who is so truly representative of American customs and ideals? None other than Joshua Esposito, chief engineer of the Pennsylvania Railroad, one of those former immigrants whose alien elements have commingled with those wholesome teachings of liberty and freedom to form that sturdy virile nationality called American.

Turning again to other discordant tones in American life produced by alleged un-Americans, we find that there is in Chicago the Justinian Society of Advocates, an organization composed of 100 American attorneys of Italian extraction, the children of the immigrant of yesterday. We find in this body the select of the lawyers practicing before the Illinois bar. Many have held public office, and we might name a few.

Take for example Stephen A. Malato, one of the foremost citizens of Italian extraction in Illinois. He started his public career of service to the community by being elected a member of the Illinois State Legislature by an over-

whelming majority. His service in the legislature stands as a monument to the true ideals of Americanism. Never in his career as a lawmaker did he fail to represent his district, State, and Nation in a just and upright manner. That his success as a legislator was recognized was demonstrated further by the great, inspiring legal feats of Mr. Malato while acting as a public prosecutor under Maclay Hoyne, for eight years State attorney of Cook County. And what greater proof of the sterling qualities of this former son of Italy would one desire when the present State attorney, Robert E. Crowe, recognized again his extraordinary capabilities and retained him in a special capacity? Well might we call him one of the foremost if not the greatest of criminal lawyers in this section of the country, both as prosecutor and defender as well. We print below the commendatory letters of Mr. Hoyne, a Democrat, and Mr. Crowe, Republican, in which they give due commendation and regard for Mr. Malato's signal contributions:

OFFICE OF STATE ATTORNEY, COOK COUNTY, ILL.,

Chicago, August 13, 1915.

MR. STEPHEN A. MALATO,

*Assistant State Attorney, Criminal Court Building, Chicago.*

DEAR SIR: It is with regret that I send you this formal acceptance of your resignation as assistant State attorney, to take effect September 1 next.

You leave the office with the knowledge that you have earned the respect and gratitude of the bar of this county, and the public at large. The splendid record you have made here I know will always be a source of great satisfaction to you. Your ability, energy, enthusiasm, and force have made you an ideal prosecutor. I have never known you to lose sight of the human element of the case, or to fail to temper justice with mercy when the circumstances demanded it.

I am sure that in the new fields to which you go you will be successful, as you deserve to be. I must thank you for your loyalty to the county, this office, and myself. You take with you my sincere assurance of personal affection and esteem.

Yours very truly,

MACLAY HOYNE, *State Attorney.*

CHICAGO, ILL., September 1, 1921.

HON. STEPHEN A. MALATO,

*Ashtand Block, Chicago, Ill.*

MY DEAR MR. MALATO: In accepting your resignation to take effect September 1, 1921, I wish to tell you how sorry I am to lose so valuable an assistant. I realize that the time you have spent in this office has been at a personal loss to yourself and family.

I wish to thank you most earnestly for the great assistance you have rendered me during the period you served as special assistant State attorney. During your tenure of office, you made a brilliant record and the many convictions that you secured in the automobile court made the stealing of automobiles during that period an extremely hazardous business.

In addition to the splendid record you made in your special line, this community is indebted to you for breaking up so many organized bands of daring robbers—such as the Dulben gang, the Lovers Lane, and the gang that held up the Ward Banking Co.

You performed the signal service not only of securing convictions in these cases, but also in breaking up the perjury ring, headed by a physician and an attorney. But few fake alibis have been introduced since that time in the criminal court.

Last year, over 500 people were killed by automobiles in Chicago, and no person was ever convicted of a murder by an automobile except the two persons you convicted when you were an assistant under Mr. Hoyne; and your conviction of Raymond Fox of a felony for injuring Mrs. Trude, the wife of Judge Daniel P. Trude, by recklessly driving an automobile, has done much to make the streets of Chicago safe for pedestrians.

The successful manner in which you met the insanity pleas of such men as Carl Wanderer and Harry Ward has contributed largely to making life safe in this community.

While I regret very much the loss of your services, I wish you all the success that a man of your splendid talents deserves.

With kind personal regards, I remain,  
Yours truly,

ROBERT E. CROWE, *State Attorney.*

Examine, if you will, the private and public works of Hon. Francis Borrelli, Hon. John Lupe, Hon. Bernard Baraso, and Hon. Alberto N. Gualano. The first three are now sitting judges of the municipal court of Chicago. Have the descendants of any other nationality given greater proof of ability and judicial temperament? These men, regardless of party lines, have distinguished themselves by their unflinching stand and firm purpose to mete out justice without favor, and without discrimination.

There are at present in the States Attorney's Office of Cook County three able law enforcing officers on the legal staff who are descended from a so-called inferior race. Joseph Nicholas has charge of the domestic-relations court; John Sbarbaro is the head of the investigating department which practically prepares the evidence and strengthens the State's case; Michael Romano is one of the ablest trial lawyers on the staff. These men have demonstrated their ability to the public which views daily their activities as successful law enforcers.

We might cite another example of successful work done in legal circles. The eminent services of Michael L. Rosinia, whose work in the domestic-relations court and morals court has met with the unqualified indorsement of thousands upon thousands of the men and women whom he has restored to themselves and reinvigorated by his zeal and ardor with a love of hearth and fireside. His efforts have never failed to elicit eulogistic treatment not only from the press but also from the members of the Illinois bar as well.

All these examples show how jealous of honor, integrity, honesty, and Americanism have been these representatives of the so-called inferior race.

Again, may we point to a few examples of Chicago men in the commercial world—men who were mere immigrants some years ago but who to-day occupy positions of trust and responsibility in large establishments? We refer to Joseph Malatesta, a typical son of an Italian immigrant, who occupies the very important position of vice president of the Consumers Co., over whose destinies the well-known Fred Upham, treasurer of the Republican National Committee, presides. And then consider briefly the history and development of Joseph Soravia, manager of music department of Sears-Roebuck mail-order house. He started his upward climb a newcomer from Italy, arrived here at the age of 18, friendless and unacquainted without even the rudiments of the English language. His first employment was that of order picker at the munificent salary of \$5 per week. To-day that immigrant of 1901 stands as one of the main props of the largest mail-order house in the world.

There is, furthermore, a medical society composed of over 200 physicians and surgeons, the children of former immigrants, all of whom are having considerable success and are a distinct asset to the medical profession.

Similar illustrations could be given showing conclusively that not only is the Italian assimilated and absorbed, but that when he starts even under a disadvantage he shows qualities of leadership and executive ability which are distinct assets to a government where law reigns supreme and where public sentiment stands as Lincoln said "With anybody that stands right."

From reading the testimony given before the congressional Immigration Committee on the Johnson bill, it is noticed that a statement was made that the Italian newspapers published in the United States are all for Italy and all against the United States. This is a palpable lie. The Italian newspapers of Chicago, and it follows that they must be the same throughout the United States, are supported by American citizens of Italian birth more because the psychology of thought can be best understood in their parent language rather than through their adopted language; but although they naturally publish news of the readers' parent country which is not published in the English-language newspapers, they are, with but very few exceptions thoroughly American in thought and principles.

Congress must at least be consistent in its actions. By enacting the Johnson bill into law will hold that the Italian race is an inferior race even though this country honored the district where Washington is located, the seat of our National Government, with the name of a man of that race.

In April, 1917, our country declared war against Germany which was threatening seriously at that time to undermine the social, economic, and moral

fabric of the world at large. In response to the call of our Executive armies were massed, all available raw material was collected, huge loans were successfully launched and the people of the Nation gave, gave until it hurt, all—all for our supreme effort which was to be cast into the balance in behalf of a civilization wrought out of blood and suffering and patterned after the idealism of a true Christianity.

We can not give figures at this time as to the contributions of any citizens of foreign extraction, since none are available. There was no distinction created at that crucial period with regard to race, color, or previous condition of servitude. All were considered and acted as Americans and truly did the results attained bear out their purposeful resolves as the slogan of the day put it, "Make the world safe for democracy." A perusal of the Army enlistment records will show a remarkable number of foreign names of the so-called inferior race. A glance at the fatality lists will show again a correspondingly large number of names of boys of the so-called inferior race. How times have changed. Lo, the Johnson bill would show what a difference a few years make. The heroes of yesterday, their desires, their choice, their feelings, their opinions disregarded and no attention paid to their appeal! Those who were assimilable in 1917 are not capable of being assimilated in 1924. Oh, woe betide the times! But our country—"May she be in the right; but our country, right or wrong."

And even though there is a scattering of sentiment in the country which calls for race discrimination, yet the American citizen of Italian extraction will not rise up in righteous wrath and indignation and smite down the foe, but by better example, by kindlier deeds, "with malice toward none and charity for all," will portray to his fellow Americans the real and true characteristics of ideal American citizenship.

If the Nation's welfare requires restriction of immigration let it be upon a basis which deals fairly and impartially with the problem. Let us as Americans resolve upon a solution of this question since the public good is vitally concerned in its settlement. Let us have before us that fundamental concept of fair play which is so strongly prevalent in American life. Let it not be said here or in any quarter of the world that Americans are biased and prejudiced against one another.

Thus and in such manner have the citizens of Italian extraction throughout the Middle West, and particularly the State of Illinois, registered their protest against unfair and un-American legislation.

Respectfully submitted,

CHICAGO ITALIAN CHAMBER OF COMMERCE,

JOHN E. RIGALI, *President*.

ANTONIO FERRARI, *Chairman Publicity Bureau*.

Chicago committee: Stephen A. Malato, Hon. Francis Borrelli, Michael L. Rosina, Elliodor M. Iabonati.

The CHAIRMAN. We will hear you now, Mr. Marshall.

### STATEMENT OF MR. LOUIS MARSHALL, NEW YORK CITY.

MR. MARSHALL. Mr. chairman and gentlemen of the committee: There have been many occasions in the past 10 years when I have had the privilege of appearing before this committee and the parallel committee of the House of Representatives on the subject of immigration. I do not propose to repeat anything that I said on those occasions. I may, however, be permitted, if you have the desire to read my views, as hitherto expressed on the various branches of the subject, to refer you to the hearings of the Committee on Immigration and Naturalization of the House of Representatives, held in 1922, and especially pages 310 to 372.

Senator HARRISON. Of the House hearings?

MR. MARSHALL. Of the House hearings.

The CHAIRMAN. And what year?

MR. MARSHALL. 1922. I appeared before this committee in 1921, but unfortunately I can not give you a reference to the particular



date; but you will find it in your printed hearings of 1921. I also call your attention to the remarks that I made before the House committee, which appear on pages 285 to 315 of the hearings which took place in January of this year.

The reason why I make this statement is that there have been many remarks made here which I feel that I have answered, at least to my satisfaction, to show that there is no peril at all to this country in the immigration of past years; to show that the great mass of immigrants, with the sporadic exceptions that you can find among all people, have made contributions to the resources of our country and its defense in days of stress.

I am not a member of the Allied Patriotic Societies which have been represented here, but I am proud to be a member of the greatest allied patriotic society in the world, and that is to be an American citizen. I am one who regards the citizenship of this country to be one unitary thing. I regard it as a peril to our country to talk about races or language groups. I have had probably as much experience with immigrants as anybody in this country. My father came to this country in the same port that Judge Freschi's father came, in the year of 1849, and for the same reason. He was unwilling to live under a tyranny, and desired to come here to this country to develop with it and to found a family here. And I feel that the immigrants in this country, whether they have come from southern and eastern Europe or from northern and western Europe, are one in that respect, that they have all equally helped the country.

The question has been raised as to the patriotism of our immigrants from the South and the East during the late war, and I was very much impressed by the admission made by the representative of the Allied Patriotic Societies, that he could see no difference, so far as patriotism was concerned, between the various elements that entered into our Army, whether they were immigrants; whether they were citizens; whether they had become even declarants, or whether they were native sons of the soil.

I had the great privilege of serving on the district board of the city of New York during conscription days, during 15 months of the war. Judge Hughes was the chairman of that board. We had 30 members, a large proportion of them being judges, or ex-judges. We passed on 175,000 cases, and carefully passed upon them, and I wish to give testimony to the fact that these derided immigrants were as loyal to this country as though they had been sons of the American Revolution; that they did not claim exemption, though they might have claimed it in hundreds, yes, thousands of instances, on the ground that they had not even become declarants. But they went into the Army, went abroad and laid down their lives to save the country and to save civilization. And there was no murmur on their part. I have heard more indignation against serving under our colors from amongst some of the elder citizens whose parents and grandparents were born here than I have heard from the humble workmen who had been in this country not more than three or four years. I could give you some very interesting illustrations, if we had the time.

The question that has greatly agitated the public has been as to whether or not the foreigners from the South and East were loyal,

or whether they were opposed to our form of government, and to what extent they might be classed as Bolsheviks. I have given this subject very careful consideration and study. I find that the most dangerous Bolsheviks we have ever had in this country were born here. The native Bolshevik is infinitely more dangerous than the man who talks from a soap box, who does not appreciate conditions, and talks about things he does not understand, but soon forgets his fancied grievances. Some of the best men I know who shortly after coming here were classed as socialists, but who, after they had the opportunity to get into our night schools to acquire some education and learn American ways, became splendid citizens. One of those men is the planner of the great bridge that is now spanning, or is soon to span the Delaware River between New Jersey and Pennsylvania.

Senator KING. I might say that the representative of the Bolsheviks in the United States in Russia is an American.

Mr. MARSHALL. Yes, Bill Hayward.

Senator KING. Yes.

Mr. MARSHALL. Certainly, I have that shining example in my mind.

I will tell you another thing that will surprise you, and that is that the most violent attacks that have been made in the press of this country against Bolshevism and communism are to be found in the Yiddish papers, and especially the Vorwaerts. I wish to call your attention to an article written by a university student, which appears in the hearings of January last, of the Committee on Immigration of the House of Representatives, and which is to be found on pages 986 to 1027, which is most valuable, in that it illustrates the helpfulness of the foreign language press, the article being entitled "The Yiddish press and Americanizing agencies."

During the war I acted, I might say quasi officially, but voluntarily, as the censor of the Yiddish press, because of some of the charges made against it. As Senator Copeland knows, although quite busy in my work, as a patriotic duty I read these papers every day to see whether they were disloyal. And I want to say to you that I have never seen more burning patriotism than it was my privilege to see in the Yiddish press during that time. I wish you would get and read the articles published in Vorwaerts. I sometimes wonder when I consider the bloc system in this country, and in Congress itself, I sometimes wonder what the difference is between the Bolsheviks now becoming vocal form of government with its various soviets—those of the soldiers, the peasants, and the workmen, and the similar system in the United States.

During the war there was great fear about the foreign-language newspapers. And there was a bill presented before one of the committees of the Senate to deprive them of the second-class mailing privileges. I had the honor of preparing a brief upon that subject. Senator King may perhaps have seen it. In that brief I proved to my satisfaction and nobody has ever gainsaid a word that I uttered, that the best educational medium that is to be found for transforming the foreign-speaking immigrant to full-fledged American citizenship is that same foreign-language press. There is no question about the young, the children; they become American citizens almost when they begin to breathe the air of our country. They be-

come familiar with our slang, almost before they can speak other words in English. But they are brought up in our public schools, and they read the English language and they speak in the English language, and they go through the elementary schools and high schools, and through the universities, and enter the professions and become real Americans. The elders likewise feel the need of intellectual sustenance. They can not read English, because the fathers and the mothers have to work hard during the daytime, and they, therefore, wishing to read are limited to a medium which they can understand, and they find it in the Italian newspapers, or other foreign newspapers, which I have frequently read, with a view of testing what they have to say. They find it in the Yiddish newspapers, and the Spanish newspapers, and in other languages. I can speak particularly of the Yiddish newspapers. How many times do you find in the daily press in English disquisitions on the Declaration of Independence, or on the Constitution of the United States? Frequently you find such histories serially published in the daily press in these foreign languages. Almost all of them specialize in that respect, believing that they have a duty to perform to this country, of educating the foreign-speaking residents here in the spirit of America in the language which they understand. Would you not rather have them read in a language which they know than to have them try to piece out information regarding our institutions in a language which they have not yet mastered?

The language is of secondary importance. The question is how to familiarize them with the heart, the soul, the spirit of the land in which they have taken up their abode. What has brought them here? Have they come here to prey upon the land; have they come here merely for a short sojourn? No; they have come here to make this their home and the homes of their children; they have come here because they have not been enabled to get a foothold in lands where tyranny and despotism have prevailed. They have come here because they wish to die here and have their descendants live here. They know what others have done when they have come here; what opportunities they have had. And do you think that they will bite the hand that feeds them or that they will become the enemy of the land that has given them these glorious opportunities? I have said thousands of time—perhaps before these committees—that I was taught by my mother, who was an immigrant, to pray daily three times for this blessed country and its institutions. And that same feeling, I tell you, is innate in practically every one of these immigrants who comes here for the establishment of a home. I do not say there are no criminals among them. Show me a population from any State, even though they be descendants of the oldest stock of native Americans, and you will find among them some who have committed crime. They are human; they yield sometimes to temptation. But by and large they are morally, and very often intellectually, the equals of anybody who abides in this country, no matter whether he comes from northern Europe or southern Europe, regardless of how long his ancestors may have lived in this country.

So I regard it as the merest prejudice, to make deprecatory reflections on immigrants, merely because you do not like the cut of their clothes when they arrive here.

I wish that every member of this committee, aye, every Member of this Congress, would read a book from which I have been preaching wherever I go, entitled "From Immigrant to Inventor," written by Prof. Michael Pupin, of Columbia University.

The CHAIRMAN. I have a copy of it.

Mr. MARSHALL. It is one of the most inspiring books I have ever read.

I would like to have you read another book, *The Life of David Lubin*, of California, a Russian Jew; a man who has done more for the farmers of this country than almost any other man; a man who showed a most intelligent grasp of the subject of cooperative farming, and whose name, although not generally known, is written large in the history of our country with respect to railroad transportation and with respect to interstate commerce. He is really the father of the Parcel Post System, which was all worked out with the aid of his native intelligence and of his devotion to the public welfare.

Senator KING. And I might add, he established that international institution which has done so much for humanity.

Mr. MARSHALL. Yes; in Rome; and that was the only international institution that really functioned during the war, because it was founded on the principles of love, not the principles of hatred and jealousy, or the idea of creating strife among men and having one class of people look down upon another as inferiors. If we countenance the idea which has found voice among those who foster this antiimmigration legislation, an evil day portends for our Republic. We should be a great united family and we should not look with contempt upon any member of our population. I speak warmly upon this question, because I feel that although my parents were born abroad, that I am not inferior to any man in my devotion to this country, or the great institutions for which it stands. And I feel that Judge Freschi, and thousands of other sons and daughters of immigrants, with whom we could fill this building, are not inferior to anybody else in this our common country. If you place on your statute books a law which, in effect, says to us: You are inferior; you are not a first-class American, but a second-class American; what shall we think of it? Shall we sit by without protesting in the only way in which an American can protest?

Now, where would we suppose that the greatest opposition should be found to the immigrant who comes from southern and eastern Europe if they are what the restrictionists picture them to be? Naturally you would not expect valuable testimony on the subject from the far south, where there are none, or very few. You would not expect reliable information from that part of the country in which an immigrant had never been seen, as testified to by Mr. Lyle, when he was a boy: where an immigrant has been regarded as a strange being, something like the fabled unicorn. My father told me that when he first came into certain parts of New York people were surprised to know that he looked like other men; they thought he would have horns, or some distinguishing marks. They marveled that he looked like other men.

Now, the greatest number of immigrants settle down, it is said, on the Atlantic coast line. New York has a great number. They are the constituents of Senator Copeland.

Senator COPELAND. And very loyal constituents.

Mr. MARSHALL. Very loyal constituents. They are loyal to anybody who knows how to treat them properly, and who regards them as equals and not as inferiors. They are to be found in New Jersey; they are to be found in Massachusetts; they are to be found in Rhode Island; they are to be found in Connecticut. Have you heard any protest from the people of those States against immigration? No. On the contrary, the Legislature of New York; the Legislature of Massachusetts; the Legislature of New Jersey have all protested, by resolutions adopted by them, against the proposed restrictive legislation. Isn't that better testimony as to the merits of these immigrants than all of the preconceived prejudices of people who do not know anything about them?

I would like to call your attention to one matter—it has already been referred to by the gentleman from North Carolina, who made such a very interesting contribution to the subject in his remarks dealing with the beneficial relation of the immigrant to agriculture. I agree with him. Agriculture needs stimulation of the kind proposed by him. But agriculture does not stand alone. All of our industries require it. Are we not aware of the fact that year after year the native-born American withdraws himself from the farm and becomes a member of the white-collar squad? He would rather be a cheap clerk in a department store than a sovereign upon an American farm and a producer in an American workshop. Let us look the facts in the face. Where will we recruit the forces of our industrial army? From whom? From this and future generations sprung from revolutionary times? No. Many of them have died out and dried out. Many of them have made fortunes and are engaged in other occupations. In like manner many immigrants go up in the social scale. We know what that means. But the immigrant is here to act as a reservoir for our industries, and has served in that capacity; he has built our railroads; he has built our public works; he has worked in our factories; he has created new industries—mark me—he has created new industries in this country; he has added to our national wealth millions and millions of dollars. Professor Pupin, the herd boy from the plains of Serbia, invented one device which Dr. Edward E. Slosson says has added hundreds of millions of dollars to the wealth of the American people. If you had kept him out, whether by a quota of 1 per cent or 2 per cent or 3 per cent, whatever the law had been when he landed, he would have been forced out, and this country would have lost the use of his inestimable services.

Let us hear what the thinking people of this country have to say on this subject. I refer to the House hearings on this subject, to a report of the committee on commerce and marine of the American Bankers' Association, adopted September 25, 1923, on the subject of immigration. They go over this whole subject of immigration and discuss it from a practical standpoint. They lay aside all sentiment. Bankers do not often indulge in sentiment. Let us see what they say. [Reading:]

A pre-war investigation of the United States Immigration Commission revealed—

That was a commission of which the late Senator Dillingham, whom we all honored, was chairman. Although he was the father

of the quota legislation, he was not in favor of such a law as that now proposed. He advocated a 5 per cent quota. [Continuing reading:]

A pre-war investigation of the United States Immigration Commission revealed that the proportion of foreign-born people in some of our important industries was as follows:

	Per cent.
Sugar refining.....	85
Silk dying.....	75
Clothing.....	72
Cotton goods manufacturing.....	69
Oil refining.....	67
Leather manufacturing.....	67
Copper mining and smelting.....	65
Bituminous coal mining.....	62
Woolen and worsted goods manufacturing.....	62
Slaughtering and meat packing.....	61
Agricultural implements and vehicles.....	60
Iron and steel manufacturing.....	58

Now, that tells its own story. Are we going to ignore these facts? The time will come when people will begin to see that by trying to keep out the immigrant they are killing the goose that lays the golden egg; and the time will come when they will cry out for more immigrants. The question then will arise, will they come?

Senator KING. Of course, you do not imply, by anything you have stated, that you would oppose a reasonable restriction?

Mr. MARSHALL. No; I am in favor of a reasonable restriction, but not a meticulous restriction. And we have now a highly selective immigration policy. The immigration law of 1917 has this exclusion: No person who is mentally, morally, or physically unfit shall be admitted; no person who is liable to become a public charge is to be admitted; no person who is opposed to organized government and against our form of government is to be admitted. These principles should be enforced, and I say here that if Congress—I am not claiming you are wasting your time—but if Congress would devote more of its time to making the present law something more than a proclamation, by establishing at the various ports of entry a competent and adequate staff of inspectors and investigators to weed out and winnow out those who come within the existing prohibitions just cause would never be found for a single complaint against the character or quality of our immigrants. But as it is there is always an insufficient number of men at Ellis Island; so much so that the distinguished Commissioner of Immigration, Mr. Curran, comes here and because of the inconvenience to the inspectors of passing on a large number of immigrants in a given time, he suggests as the remedy that the number to be admitted shall be reduced to a minimum and that admission be refused to a large number of worthy people who would come here. My remedy is to see to it that you have enough men there, and the right kind of men there: that you pay them sufficiently to make it possible to secure competent and efficient men of sufficient intelligence to administer the present law according to its spirit. If there is any contribution that I could make to this discussion, it is to point out how simple it would be to make the present selective immigration law operable and thereby to eliminate any fancied deficiencies in our system. The law is admirable. Its administration alone is faulty. You have collected mil-

lions and millions of dollars as a head tax in the past 25 years, and what have you done with them? The idea is that the law should be enforced by an efficient immigration inspection. Instead of that you have put in a lot of—I won't use the expression I was about to use—but a lot of cheap men——

Senator KING (interposing). Two by four politicians. Go ahead.

Mr. MARSHALL. And they have collected this head tax, and it has been covered into the Treasury and devoted to other purposes.

The CHAIRMAN. Mr. Marshall, you would have no objection to having selection enforced, in part, at the source, would you? I do not mean to the extent of the highest selective law of 1917, but in part?

Mr. MARSHALL. In part, I should think there should be some such investigation as is contemplated to be made at the time of issuing the immigration certificate here provided for. I believe that that is a very valuable contribution to this whole subject. I think it would prevent, if properly enforced, a great many of the abuses which have arisen under the present law.

Senator KING. You have seen this bill, have you?

Mr. MARSHALL. I have the bill, and if you will give me plenty of time—I do not want to be a monopolist—but I have suggestions to make with regard to the perfection of the bill. I do not want you to believe I am here as a captious critic to some of the changes proposed to the present law. But I think the best thing that could be done until the present conditions become clarified and suspicions become dissipated, would be to continue the present law on the 1910 basis. Do not go back before the flood. When I hear reference to the census of 1890, the first thing that comes to my mind is why not make it 1790, or 1492. It is ridiculous.

The CHAIRMAN. Mr. Marshall, is it not a fact, no matter how you argue around it, if you go back to 1890, all of these racial groups regard it as a discrimination, as against the present law? ✓

Mr. MARSHALL. They do.

The CHAIRMAN. They have taken that stand?

Mr. MARSHALL. They have taken that stand. And if I may use a phrase which I deprecate, almost every racial group regards it as an insult because they are counted out by this kind of legislation.

The CHAIRMAN. Let me ask you, because we are about to take a recess, how much more time you will require. You had one or two suggestions to make with reference to the bill.

Mr. MARSHALL. If I may have 15 or 20 minutes more, I think I can finish.

The CHAIRMAN. Suppose we say 10 minutes, after we come back from recess.

Senator KING. If he is going to make suggestions about the bill, I suggest that he be given 15 minutes, Mr. Chairman.

Doctor BERG. Mr. Chairman, I am here representing a number of people, and I would like to be heard so that I can get back to New York. I am a medical man, and it is quite important for me to get back.

Senator KING. As a medical man, you will agree that it is quite important for us to have a recess for a little meat and drink and recreation?

Doctor BERG. I have no objection to that, if I can be heard in behalf of the 10,000 people whom I represent, and get back to New York.

The CHAIRMAN. It may be understood that after the recess Mr. Marshall will consume not more than 10 minutes, and then I will call Doctor Berg.

(Thereupon, at 1 o'clock p. m., the committee took a recess until 2.15 o'clock p. m. of the same day.)

#### AFTER RECESS.

The committee resumed its session at 2.15 o'clock p. m., pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. Mr. Marshall, we will hear you further.

#### STATEMENT OF MR. LOUIS MARSHALL—Resumed

Mr. MARSHALL. I wish also to call attention to a report recently adopted but not yet acted upon by the constituent organizations of a committee of the World Alliance for International Friendship through the churches, which asks that there be continued a 3 per cent quota on the basis of the census of 1910. The organizations represented by the committee are, as stated in the New York Evening Post of February 9, 1924: The Federal Council of the Churches of Christ in America, the Methodist Church, the Presbyterian Board of Missions, the National Lutheran Council, the Home Missions Council, the Baptist Board of Home Missions, the National Congregational Council, the Presbyterian Board of Home Missions, the International Young Men's Christian Association, the Young Women's Christian Association, the Council of Women for Home Missions, the Travelers' Aid Society, the Immigrant Publication Society, the Near East Relief, the New York City Society of Methodist Episcopal Church, the Committee of Reference and Counsel, the Foreign Mission Conference of North America, the National Council of the Protestant Episcopal Church, and the World Alliance for International Friendship through the Churches, a most imposing number of religious organizations, who certainly have no prejudice in this matter, and who are acting solely on the basis of good friendship.

The CHAIRMAN. They indorse a continuation of the quota of 3 per cent on the census of 1910?

Mr. MARSHALL. Yes, sir. As I understand it, the committee referred to has so reported.

The CHAIRMAN. The present law?

Mr. MARSHALL. Yes; the present law.

I also have referred to the fact that the quota law as heretofore enacted and as now proposed does not take into consideration the credits which should be given to the number of immigrants admitted into this country who have returned to the lands of their nativity, because there are quite a number who return annually from this country to their native land. And in view of the fact that we are merely considering the question as to the additions to our perma-



nent population, a fair basis of adjustment would be adopted if there should be allowances made for those who return.

Now, there is much that I might add to what I said this morning. But I shall now devote myself entirely to the bill of Senator Reed, and if I may be permitted and if I have time enough, to the proposed amendment which was introduced by him on the 6th of March, 1924. That I have had very little time to study, but if the opportunity may be given to me to write my views on that subject, if time is not given here, I will do so by writing to the Senator or to the chairman of the committee.

I wish now to pass hurriedly over the bill for the sole purpose of being helpful in the framing of a bill that will be satisfactory if we are not to have anything more than the present law, with administrative amendments that may be adopted. Coming in the first place to what I said before the House committee, I am very much pleased with the system of these viséed certificates. I think they are very helpful, and if the plan is properly administered, it will stop a great many of the abuses we have known in the past. It will do away with conditions which beggar description, of men and women coming to this country armed with a passpart supposedly giving them a ticket of admission into this country, and when they arrive at the dead line at the outside of the harbor they are told that another steamship has just arrived a few minutes ahead of them and that the quota is full.

Senator REED of Pennsylvania. There were 2,000 such cases last year.

Mr. MARSHALL. Yes, sir. And I know of 1,000 excluded from Russia in November, on the supposition that there had been an exhaustion of the quota, and subsequently it was learned that by bad bookkeeping, or improper bookkeeping, or errors in bookkeeping, all of those 1,000 should have been admitted. Some were admitted conditionally, and I then urged on the President when the facts were accidentally disclosed, that they be admitted unconditionally, and that those that were awaiting deportation should likewise be admitted, and that 200 of them who had been deported and who were floundering in foreign ports in a state of uncertainty and despair should be called back. My request was promptly granted except in the cases of those who had been unjustly deported. Such horrors should be stopped.

There is no reason why the Government of the United States can not do just exactly what the Pullman Co. is doing all the time, making reservations of berths and sections to all parts of the country, and nobody has ever had any trouble in occupying the berth for which he has paid or for which he holds a ticket. And why there should be this pandemonium and indecency at the port and harbor of New York I can not understand, except that there are not enough men to have the law efficiently administered, and not enough intelligence back of it to intelligently administer it. And then public officials come and say, "You must stop the flow of immigration, because it is too hard on us poor officeholders; let these immigrants stay at home or send them back where they came from." Suppose our customs officers were to ask for a prohibition on imports because of the labor involved upon them in performing their duties! And that is the kind of morals encountered by immigrants who are desirous of coming here and becoming good citizens; and that is the kind of official morality that is impressed upon them.

Now, so far as the section headed "Visé certificates" is concerned, it prescribes, among other things, that the applicant for the certificate shall specify "his ability to speak, read, and write." Under the literacy test there is no requirement of ability "to write." The immigrant is only tested as to his ability to read.

And then [reading]:

The validity of a visé certificate shall expire at the end of such period, specified in the certificate, not exceeding four months, as shall be by regulations prescribed.

I am afraid that is too short a period. The difficulty is, when people come here from a foreign land to reside, they first sell what they have got; they have to make many preparations, perhaps travel hundreds of miles to appear before the consular officer; then return to their homes, possibly, and wait until there is an opportunity to sail. They can not safely procure their transportation until it is decided whether they secure a certificate or not. And then if they are told they have passed the necessary tests, as required by the statute, they must secure transportation and go to the point of embarkation and sometimes, as appeared in the testimony before the House committee, wait for months before they can secure a ticket.

There is a case I am to argue before the Supreme Court of the United States next week, where it is shown that the family of a rabbi who came from Palestine, after reaching the port whence they were to sail had to wait six months before they could get a ship. While waiting there, the quota law came into force and effect and the Palestine quota having been exhausted they were told to go back where they came from.

When you come to section 15, you will read [reading]:

Sec. 15. If a quota immigrant of any nationality having a visé certificate is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the certificate, or if an alien of such nationality having a visé certificate issued to him as an immigrant is found not to be an immigrant as defined in this act, no additional visé certificate shall be issued in lieu thereof to any other immigrant.

There may be other provisions, but that is the one I had in mind. But in this connection, so as to save time, I will ask the question why, if those visé certificates become annulled or are issued to a person who is not an immigrant, why should those blanks be filled to immigrants to the exclusion of others, who but for this provision might be admitted? Suppose there are 10,000 certificates that expire, from a certain country—England. Suppose there were 5,000 that got them and did not require them. That would be 15,000, and 15,000 are excluded from among those who are possible immigrants during the year, by reason of the issuance of those certificates, and there may be 15,000 very desirable men and women who want to come to this country, but because of the fact that there have been issued, but not used, these certificates, you keep out these immigrants, to the extent of 15,000.

Senator REED of Pennsylvania. That is a matter the department has studied, and they say there will be about 10 per cent wastage of these certificates. It is much better—because the certificates will be made from engraved forms, to avoid the possibility of counterfeiting—to make the quota 10 per cent bigger and let the certificates die. You get the same result by making the quota 10 per cent bigger.

Mr. MARSHALL. But if it is left in this shape, it will put out of consideration many meritorious men and women who would otherwise be coming.

Senator KING. You think the provision should be six months before the certificate should expire?

Mr. MARSHALL. Yes; I think it should be six months; and I think this section should be amended so as to allow the issuance of new certificates in case of canceled or wasted certificates.

The CHAIRMAN. That is a new provision, and we do not know how many of those who have the certificates would be able to pass the severe tests upon arrival in this country. It has been said, as Senator Reed suggests, that it would be reduced probably about 10 per cent. The end is restrictive. That is what they want.

Mr. MARSHALL. Now, subdivision (e) of this same section 2 makes provision as follows:

(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the visé certificate of each immigrant. The immigrant shall surrender his visé certificate to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the certificate the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The visé certificate shall be transmitted forthwith by the immigration officer in charge of the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

But what has the immigrant to show to prove the fact that he had such a visé certificate? It may be received by the immigration inspector abroad; he may mail it, and it may be lost in the mails; it may be purloined; it may be destroyed; it may be forgotten; the man comes to the harbor of New York and he hasn't a single scrap of paper to show that he had it.

Senator REED of Pennsylvania. But, Mr. Marshall, you misread the act. It is made in duplicate.

Mr. MARSHALL. It does not say so.

Senator REED of Pennsylvania. You are mistaken.

Mr. MARSHALL. It may be. If there is a requirement that it shall be in duplicate and if there is to be indorsed or stamped on that duplicate the receipt of the official to whom it was delivered, showing the fact that it was delivered, I will be entirely satisfied. But there should be something to show that he had a visé certificate and that he had delivered it.

Senator REED of Pennsylvania. You mean after arrival?

Mr. MARSHALL. Yes, sir.

Senator REED of Pennsylvania. On his trip over?

Mr. MARSHALL. On his trip over.

Senator REED of Pennsylvania. It provides that he shall have the certificate?

Mr. MARSHALL. No; not under this clause.

Senator REED of Pennsylvania. Look on page 2, line 2, "issue to such immigrant a visé certificate."

Mr. MARSHALL. Yes; he is to get that from the consular office in Rumania, if you please, but when he gets on the ship he has to surrender that certificate to the inspector, and that inspector may be charged with a duty which he may not properly perform. He is called upon to mail it and the man comes to New York without anything to show for it.

Senator REED of Pennsylvania. Pardon me, but page 3, line 12, you will see the immigrant keeps that visé certificate until he reaches the port.

Mr. MARSHALL. No.

Senator REED of Pennsylvania. And then it provides that the immigrant shall surrender his visé certificate to the immigration officer at the port of inspection.

Mr. MARSHALL. No; this, as I read it, refers to the port of departure, and not the port of arrival.

Senator REED of Pennsylvania. Oh, no; what is meant is the port of entry.

Mr. MARSHALL. Then what is meant by, "The visé certificate shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor"?

Senator REED of Pennsylvania. That means at Ellis Island they send it to the Department of Labor.

Mr. MARSHALL. Well, I may be mistaken in my interpretation of it. But the difficulty would be obviated if the section should be so phrased that the immigrant is to be allowed to keep the original or a duplicate of his papers with him.

Senator REED of Pennsylvania. We could change the word "inspection" to read "entry."

Mr. MARSHALL. If you do that, I think it will be better.

Now, on the question of the definition of an immigrant. Here we find a very important change from the present law. It specifies certain classes who shall not be considered immigrants because members of so-called nonquota classes. One of the omissions which I find in this bill which I think is a serious one, and one which should be very carefully pondered, is the fact that under the present law ministers of religion, teachers, students, professors, artists—and we have not enough artists in this country, no matter what anybody may think on the subject—

Senator REED of Pennsylvania (interposing). Look on page 4, line 20.

Mr. MARSHALL. Just a minute. I am reading page 4. There is another omission in that category that I have mentioned as among the nonquota immigrants. Under section 3 of the law of 1917 people of that class are admitted into the United States from the Asiatic barred zone. A minister of religion, teacher, professor, or artist who comes from Afghanistan or Siam will be admitted, but one who comes from Russia or Italy does not receive any consideration such as he receives under the present law.

Now, you ask me to look at page 4?

Senator REED of Pennsylvania. Yes; page 4, line 20, persons who come temporarily for business, study, or pleasure.

Mr. MARSHALL. I do not find it.

Senator REED of Pennsylvania. Have you the same print I have?

Mr. MARSHALL. I don't think I have. The word "study" has been inserted in the copy the Senator has, which he has just shown me. That will take care of the student. But that does not take care of the others. There are a half dozen others—

Senator REED of Pennsylvania (interposing). That is the theory on which we admit all immigrants.

2, Mr. MARSHALL. But they should have special consideration.  
3S Senator REED of Pennsylvania. Then they should have special  
consideration in the issuance of visé certificates, and probably would  
have.

10 Mr. MARSHALL. But they should not be a part of the quotas.

11 Senator REED of Pennsylvania. Even if they come as permanent  
residents?

12 Mr. MARSHALL. Even if they come as permanent residents. I tell  
13 you I think it would be much more valuable to us to have a skilled  
14 chemist, or skilled textile worker, or a skilled agriculturalist than  
15 a great many of the people that we now have in this country. They  
are very desirable and especially valuable to the country.

16 Senator KING. Would you have the persons who would come  
17 within the categories you have just indicated extra quota?

18 Mr. MARSHALL. Yes; extra quota. That is what I had in mind.

19 My next criticism—I do not use that word in an offensive sense—  
20 relates to the clause on page 5, under subdivisin (7). It was the  
21 old (8). [Reading:]

22 An alien who is eligible to citizenship in the United States, and who was born  
23 in and is a citizen of the Dominion of Canada, Newfoundland, the Republics  
24 of Mexico, Cuba, or Haiti.

25 And so forth.

26 You have changed that by striking out the words “and is a citi-  
27 zen of.” He must be born in the Dominion of Canada, Newfound-  
28 land, the Republics of Mexico, Cuba, or Haiti, or the Dominican  
29 Republic, or the countries of Central or South America, etc.

30 Whilst I think it is quite desirable that these people should come  
31 to this country if they otherwise comply with our immigration laws,  
32 I can see no possible reason for a distinction or a discrimination in  
33 their favor as against people who come from other parts of the world.  
34 You allow as nonquota immigrants those who were born in Mexico.  
35 Now you have stricken out the word “citizen” and that leaves those  
36 born in the Dominion of Canada, Newfoundland, the Republics of  
37 Mexico, Cuba, or Haiti, or the Dominican Republic, or the countries  
38 of Central or South America or the colonies or dependencies of  
39 European countries in Central America or South America entitled to  
40 be admitted as nonquota cases, whilst Englishmen, Frenchmen, Prus-  
41 sians, or Poles who may have lived in those countries for many years  
42 would not come under the nonquota clause.

43 Senator KING. You are aware, Mr. Marshall, are you not, that  
44 many of the people from other countries came into Cuba and Mexico  
45 and remained there for some time and then came in?

46 Mr. MARSHALL. Yes, sir.

47 Senator KING. This provision that you have mentioned was meant  
48 to meet cases of that kind.

49 Mr. MARSHALL. I was going to suggest I supposed that was the  
50 purpose of the measure. But I think that result can be better accom-  
51 plished if you provided that if they were not born in that country  
52 they must have lived in that country for a sufficient number of years  
53 to discourage immigration under the guise of a pretended residence  
54 in those particular countries, but which will, nevertheless, give them  
55 an opportunity after they have lived there for a number of years in  
56 good faith to come to the United States.

Suppose a man comes from England; he was born in England. He goes to Mexico and lives there for five years, and he has shown himself to be a valuable acquisition to that country. He wants to come to the United States. Why should he not have the same right as a man whose only credentials are that he was born in Mexico? He may have been a peon, very low in the order of intelligence, whilst the Englishman may be possessed of the highest intelligence, and yet he has no such privilege.

The CHAIRMAN. Mr. Marshall, the law originally was two years?

Mr. MARSHALL. I think three.

The CHAIRMAN. My recollection is two years; and then we made it five. The Johnson bill, my recollection is, makes it 10.

Mr. MARSHALL. It makes it 10.

The CHAIRMAN. And there were abuses by immigrants coming there, and congregating in Cuba and Canada, and it was deemed best to confine it to the natives. You might logically say you do not see why the quota law should extend to our sister Republics.

Mr. MARSHALL. I should say so.

The CHAIRMAN. The quota law is based on the number of nationals here.

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. There are no nationals here from Paraguay and the South American Republics. And they filed a protest; that is, they protested that we would put them in the same position under the quota law as the Chinese.

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Therefore we restricted the quota: we restricted it to those who were natives.

Senator KING. My understanding is that your contention here is that we deal differently with these from others?

Mr. MARSHALL. Yes; and they will go elsewhere.

Senator KING. They go there and live there a certain number of years, and then they come in.

Mr. MARSHALL. Yes, sir.

Senator KING. But to be credited to the country of their origin?

Mr. MARSHALL. I would not say that. I think they would then come in the same as a person born in those countries. I don't think they should be dealt with differently. The fact of birth should not put them on a different basis.

The CHAIRMAN. You are in favor of two years?

Mr. MARSHALL. I should say a shorter time. Two years would be adequate.

The CHAIRMAN. Mr. Marshall, I want to remind you that there are a good many people here who still have to be heard. We have extended the time for you, and we can not extend it much further.

Mr. MARSHALL. You have been very indulgent, Mr. Chairman. I have not had the opportunity of going over this amendment, and I hope, therefore, you will give me an opportunity to write a brief—it will be brief—simply giving the heads of the various points.

The CHAIRMAN. I wish you would do that.

Mr. MARSHALL. And then let me have one word with reference to Senator Reed's amendment introduced on the 6th of March. That is to go into effect after the 1st of July, 1926. That means a period

of over two years. Now, there may be something in the idea—I am free to say that I do not agree with it—but, at any rate, it has not been discussed publicly and nobody has heard it, except possibly some people with whom Senator Reed has discussed it. Why would it not be better to wait and let a commission be appointed, as I think a commission should be appointed, to deal with this whole subject of immigration, and study the facts. I can not find any way by which the statistics of the United States would help one to work out the problem which has been formulated in this amendment, no more than I have been able to find any data which would enable one to work out the 4 per cent provision contained in the bill of Senator Reed with regard to the basis of the quota. I think those two situations require the most careful investigation. I do not know how to find out what original stocks are, as applied to this law; and what shall be regarded as racial stock, or, the father or mother, or the grandfather or the grandmother. There may be four or eight different racial stocks in a certain family. It is a proposition which will require microscopic investigation.

I have the greatest respect for the Secretary of State who, by the way, is the son of an immigrant father and mother, and the Secretary of Labor, who is a son of immigrant parents, and both of whom have come from the non-Nordic races, Wales, and I have the greatest respect for them, but I do not believe they could work out the problem. At any rate, before you put it on the statute books and give them a blank check on which to write the number of people who are to come into this country, there should be a study by people who know about those subjects. I therefore suggest that instead of hasty legislation, which is sometimes dangerous legislation, that you take time to deal with it after investigation. I would prefer to have the whole subject sent to a commission, as it was in 1907, during the presidency of Theodore Roosevelt, when that commission was appointed of which Senator Dillingham was chairman, and which has given us a flood of light on the subject of immigration.

The CHAIRMAN. We thank you for your statement, Mr. Marshall.

Mr. Pollak, I think you started your testimony this morning, which is on a technical point.

Mr. POLLAK. Yes, sir.

The CHAIRMAN. You have a brief?

Mr. POLLAK. Yes, sir.

The CHAIRMAN. If you would simply confine what you have to say to three or four minutes, and file your brief, because it is a legal question, the committee would be glad to have you do that.

#### **ADDITIONAL STATEMENT OF MR. WALTER H. POLLAK, NEW YORK CITY.**

Mr. POLLAK. Yes; it is a legal question, Mr. Chairman, arising under section 23. It raises no issues of quota, and no issues of entry. It is a thing primarily concerned with the rights of aliens, or the rights of citizens. That it does involve rights of aliens, after they are in this country. Section 23 reads:

SEC. 23. In any proceeding under the immigration laws the burden of proving the right of any individual to enter or remain in the United States shall, as between him and the United States, be upon such individual.

Senator REED of Pennsylvania. That is section 20 in the present bill.

Senator KING. In the first place, you would narrow it to those cases which are clearly alien?

Mr. POLLAK. At least that, Senator, but that would not be sufficient.

I appear for the American Civil Liberties Union, which is concerned not with entry at all, but with the question of remaining. Our contention is that the language of this section, attempting to put the burden of proof as to the right to remain in the United States is, of course, unconstitutional as to citizens. But even if the word "citizen" were stricken out and the word "alien" substituted, that still the section would be unconstitutional.

Senator REED of Pennsylvania. Do you not think that this is confined to immigrants, because it refers to immigration laws? Citizens are not concerned in immigration laws.

Mr. POLLAK. But a deportation proceeding may be brought against a person. The first issue is his citizenship. If that issue is decided in his favor, of course the proceeding is at an end. But this bill as it stands, applying this to any individual, when the question arises the individual has the burden of proving his right to remain, including the essential fact of his right to remain, namely, his citizenship.

If there is any possible dispute about the meaning of the word "individual," it is settled in *re Coe* (154 Fed.), where the court held that in the word "individual" aliens are, "of course, included." It has been judicially determined that the word "individual" applies to an alien.

Senator REED of Pennsylvania. If, then, you change the word "individual" to read "alien" in the second and fourth lines of the section, you remove that objection?

Mr. POLLAK. It would remove one objection. But the bill would still, in our judgment, be unconstitutional, for this reason: That an alien, as well as a citizen, is entitled to the due-process provisions, as was held by the court in the case of *Yick Wo v. Hopkins* (118 U. S. 356) and in the case of *Wing Wong v. U. S.* (163 U. S. 228). Those cases hold that the due-process provisions apply to every "person," native or foreign.

Senator KING. Of course, the due-process provision does not prohibit the National Government from legislating on such subjects as may be properly within the cognizance of the legislature.

Mr. POLLAK. There is no question about that, Senator. But the decisions are carefully considered, and in the *McFarland* case (241 U. S.) it is held that a statute is due process which defines a presumption, and says that from a certain proved fact another presumption can naturally follow.

For example, in the *Tennessee* case, as its curious name is, in 219 U. S., a statute was held constitutional where there was an injury by a railroad train, and where from certain known facts a result had been established it was held you could presume that it was caused by the railroad company, the presumption being rebuttable. But where a statute, either civil or criminal, lays down a general and ultimate presumption, which is here a presumption that



there is no right to remain, that statute is unconstitutional, and is particularly unconstitutional with reference to these proceedings.

In the Louisville & Nashville case, which we mentioned in our brief, there was an administrative order, an order by the Interstate Commerce Commission, which it was held was not due process.

Suppose this were limited to aliens, what this statute means is this: That once the alienage of the defendant is proved, he is presumptively to be deported, and in the absence of any evidence at all. Suppose no evidence is produced by him; suppose no evidence can be produced by him, because the only evidence that could be produced is by doctors or some other privileged persons and can not be produced; in such case he would be deported.

I do not think the statute could be constitutional even if limited to aliens. We have cited the cases, however, in our brief, and I do not see any reason to interrupt the time of the committee with a discussion of the principles.

I would like to say one other word. The reason why the statute is unconstitutional, and would be unconstitutional if limited to aliens, is that it is a denial of due process.

The Senators, of course, recall the general presumption of sanity. But this bill provides that this man is to be deported on the ground of insanity, and on various other grounds. But on the ground of insanity, he may be a poor man and it may be impossible for him to employ alienists to establish his sanity. The man would, therefore, be deported.

Senator KING. However, with reference to the question of sanity, if the slightest evidence were introduced, even a scintilla of evidence establishing his sanity, it throws the burden back on the Government. I am not at this time expressing an opinion at variance to your contentions.

Mr. POLLAK. The statute does not say what the alien has to do to discharge the burden of proof. Obviously, unless he does bring some evidence he does bear the burden. It does not say what he should do. A scintilla may be sufficient.

I want to say that I have not been retained to discuss the question of entry at all; only the question of the right to remain. The statute does not apply only to one seeking to enter; I think it is entirely the other way.

I should like simply to clear up what is possibly the basis for this legislation. I should like to say one word about the Chinese litigation, because the Chinese statute does say that the burden of proof shall be on the alien, in the courts. It says this in so many words, or it was held so—it says that the Chinaman who has not a visé is presumed to be in the country without a right, but it provides for his getting a visé in a reasonable time. In other words, the point about the Chinese act is this: That it is exactly in line with the principle that the presumption is raised on the basis of any evidence. It is presumptively true that a Chinaman who has not a certificate is here without a right, because it is presumed that every Chinaman who comes with a certificate has a right. I refer to the Fong Yue Ting case, on the limitations of the constitutional right of the legislature or Congress to determine where lies the burden of proof. This statute does not draw a presumption from any other

proved facts, but draws the ultimate facts itself. Our brief is a short one, and I would like to read it.

The CHAIRMAN. You have discussed these matters in your brief? Mr. POLLAK. Yes, sir.

Senator REED of Pennsylvania. You understand, of course, that this provision is due to the fact that vast numbers of aliens have smuggled themselves into the United States.

Mr. POLLAK. Yes, sir.

Senator REED of Pennsylvania. Our Mexican and Canadian borders have leaked large numbers of foreigners into this country. I suppose they will continue to do so. But I agree with you that the word "individual" should be changed to the word "alien."

The CHAIRMAN. If you will leave copies of your brief, the committee will be glad to have them.

Mr. MARSHALL. Mr. Chairman, may I file a memorandum in opposition to this section, which was prepared by Mr. Max J. Kohler, who is an expert on this branch of the law, and which puts the subject very clearly?

The CHAIRMAN. The committee will receive it.

(The memorandum is as follows:)

In re burden of proof provision in Immigration Bill, H. R. 6540, as reported February 9, 1924, and in section 20 of Senate Bill 2576. Memorandum in opposition. By Max J. Kohler.

This bill introduces a new section called "Burden of proof," suggested by Mr. Raker, reading as follows:

#### "BURDEN OF PROOF."

"SEC. 23. In any proceeding under the immigration laws the burden of proving the right of any individual to enter or remain in the United States shall, as between him and the United States, be upon such individual."

This involves such a radical change in the administration of the law and would prove so embarrassing both for the immigrant and the Government, that in view of more than 30 years' active experience in the courts in connection with immigration matters I desire to call attention to some of the complications that would result. The provision is taken from the Chinese Exclusion Laws, section 3 of the act of May 5, 1892 (27 Stat. 25), where, however, it is applicable to judicial proceedings in which the Chinese person arrested is entitled to counsel, and despite its great hardship it is at least workable. To apply it, however, to star-chamber proceedings before the board of special inquiry, for example, in which the immigrant not only has no counsel, but is commonly ignorant of our language, of our legal proceedings, and of the details of the law, and is commonly so frightened and nervous when testifying through an interpreter that he does not even dare open his mouth, except to answer the questions put to him, is an utter absurdity, and would in effect amount even to the denial of the due process of law to which immigrants are entitled under the Constitution. (Japanese Immigrant case, 189 U. S. 86; Chin Yow v. U. S. 8; Hanges v. Whitfield, 209 F. R. 675, affirmed 222 F. R. 745.) The United States Supreme Court only a few weeks ago had occasion to pass on the question of burden of proof under the immigration laws. In the case of U. S. ex rel Bilokumsky v. Tod, 68 Lawyers' edition, page 58 (decided November 12, 1923,) it held, even in deportation proceedings on the Secretary's warrant, that the burden of proof is on the Government, though as to some points failure affirmatively to claim rights, in the first instance, for example, to American citizenship, is evidence amounting to an admission against interest which the Government may introduce against the alien. Under the conditions attending a hearing before the board of special inquiry, I believe such provision would even be unconstitutional, because so utterly unreasonable and violative of due process of law. The provision about affirmative proof by aliens assisted to come over, that they are not excludable—found in section 3

of the act of 1917—is of such narrow applicability as to have proven unimportant.

But assuming this new burden-of-proof clause to be valid, what would be the consequences of its enactment? In many cases we would have prudent immigrants systematically coached beforehand as to all the details of our statutes and how to meet them, so that they could by affirmative evidence negative all possible grounds of their inadmissibility under the statutes. The Government has been arguing with much force that improper "coaching" of this character takes place in connection with Chinese applications for admission, and the result would be to enormously increase such activity as to immigrants in general, and enormously increase perjury and fraud on applications for admission, and engender a wrong attitude toward the Government in them from the start.

As to immigrants not thus coached, however, what would happen? If the provision should be given effect by the inspectors, and exclusions take place because of failure to meet the burden of proof, an enormous number of immigrants would be excluded, who, under a rational procedure, would be admissible. Some of them would doubtless be improperly deported in consequence, but an enormous increase in the number of appeals or applications for rehearing would result in perfectly legitimate cases, in which the immigrants would invoke with every element of justice on their side, discretionary authority to adduce evidence which they did not know they should have offered in the first instance. Such course would cripple our existing agencies for hearing appeals, and would enormously clog up Ellis Island by reason of tremendous additions to the number of persons detained there.

Moreover, the step is directly in conflict with the recommendations of the Immigration Commission, which recommended (Vol. I, pp. 32-3, and p. 46) not merely improvement in the character of the inspectors constituting boards of special inquiry so as to make them consist of "unprejudiced men of ability, training, and good judgment," not "subject to influences averted by the Commissioner of Immigration" or others tending to impair the judicial character of the board and to influence its members in a greater or less degree to "reflect in their decisions the attitude of the commissioner in determining the cases," but also that the provision in the law be repealed, requiring the "hearings to be separate and apart from the public." This implies that the immigrant, on the contrary, should be entitled to counsel or other advisers before the boards. Congress so far has not seen fit to heed these recommendations. Unless such radical changes be made with regard to the procedure before the board of special inquiry, I think the new burden-of-proof provision would be unfair and burdensome not merely to the immigrant but also to the Government.

The CHAIRMAN. We will hear Doctor Berg.

**STATEMENT OF DR. H. W. BERG, REPRESENTING THE GREATER  
NEW YORK TAXPAYERS' ASSOCIATION, NEW YORK CITY.**

Doctor BERG. Mr. Chairman, I am sorry to take your time in this discussion, and I will not take three minutes, as has been said by the other speakers, because that would mean one hour by the clock.

The city of New York and the people of New York are interested in this immigration legislation far more than in any other legislation that has been presented to Congress. And if I mention the law, I mean the law of 1917, minus amendments.

I am afraid the learned speaker on my right in mentioning the law and not mentioning the 1917 law may have made some of the members of the committee think, from the questions asked, that he meant the Johnson law. The Johnson law is just as bad as this. And the difficulty about these new bills is, if the Lodge bill or the Johnson bill becomes the law, it displaces the law of 1917. And the city of New York and the people of New York, hearing that there is about to be foisted on the country this bill, have asked me to appear and

voice their objections and express their fears. In the first place, let me say that the immigrants do not come here by reason of your goodness and kindness; that is absolutely wrong.

When the Civil War was finished—I have a letter of President Lincoln's in my home—I have it in manuscript, asking some of the gentlemen in Congress whether they could not enact measures which would stimulate immigration; and it was because of the methods adopted at that time and followed in the seventies that the immigrants began to come to this country in great numbers.

Now, why do you suppose that the martyred President thought we needed immigration? Not for the benefit of the immigrant, but for the benefit of the United States. There were railroads to be built; there were farms to be cultivated; there were factories to be built; there were forests to be hewed down; there was agriculture to maintain. The command to throw down the sword and to beat it into plowshares was more than mere words. The President was going to build an industrial nation, and he was going to do it as a great man would, by encouraging immigration into the United States. And no land has ever encouraged immigration for better reasons than the United States has. I speak of this that you may understand that the immigrant is not under any obligations to us; that we are under obligations to the immigrant.

I read the foolish work known as the Stoddard work, which may be a thoroughly beautiful work in theory, but it means absolutely nothing. I defy any man here to read Doctor Stoddard's book and find out whether he knows what he is talking about. The words "Mediterraneans" and "Alpines" mean nothing. He has listed the nation that gave Christ to the world under the Mediterranean and goes on to say that Christianity believes in the Nordic race, and does not believe in the Semitic race. He says so in 10 places, and the man who quotes it here, if he quotes it with sympathy, is put down as being obstreperously opposed to immigration of a certain kind. If you read those things you will see that it is not the good of the United States that is being sought, and I am going to show you it is the injury. It seems the good of a certain class in the community, who seek to destroy one type of human happiness in the country, or they seek to destroy one type of activity, either socially or industrially.

Now, let me tell you the United States does not stand alone in the world. It has as many competitors as any private man or any private business. You watch and see the immigration into the Argentine Republic. It has gone up and increased by leaps and bounds. In 1907 you will see they were getting 17,000 into the Argentine; in 1919 it was still around eighty thousand and odd, or 90,000. It is now close to 250,000, and still growing. You are giving them the man power. You are giving them, not the money—they can borrow that in Wall Street. But you have given them the man power to take away from you the meat market of the world, and every pound of meat that goes to Europe to-day, comes to Chicago, where it is prepared, because there is the organization, and then it goes across the country to the ports, on the railroads, and that comes from the Argentine, as goes to Europe as United States beef, but it is no longer United States beef; it is Argentine beef.

There is another field, which still belongs to us; the wheat field. You stop men from coming into this country. The Argentine

gives them \$25 a head to come, and guarantees a job, and the result is that they have men enough, together with American machinery, to finance the wheat crop at \$1.10 to \$1.15 a bushel and sell it to the civilized world; and our farmers can not sell wheat to-day at \$1.35 a bushel and live, because we have no immigrants, and they have. The cost of immigrant labor is \$110 a month, for man or boy, and the Argentine gets them for \$40. You can not compete with it. It means that the wheat market is going. The meat market has already gone.

Here is another field, and here is where my friends are interested. I was asked by one of the highest officials of the State of New York to serve on a rent commission in the city of New York. At the final meeting of that commission there was a dinner, and at that dinner men were present who were experienced in large industrial matters; bankers who loaned the money to the business men; no speculators, and men who were on the market without producing a product. On that occasion the chief financial officer of one of the large insurance companies got up to tell about \$9,000,000 that they were intending to appropriate for the purpose of building houses, to be rented at \$9 a room. An enabling act had to be passed, because this company happened to be a life insurance company. The enabling act was passed, on a certain April morning, and signed. On that day they sought bids for \$9,000,000 worth of buildings, and they found that the buildings that were to be put up with the \$9,000,000, and if they were to have a net profit of 4½ per cent, those buildings could not be rented at \$9 a room, because the brickwork was too dear and the woodwork was too dear. The gentlemen related this. He was the chairman of the executive committee of that company. They appointed a commission, which took up the subject of brickwork. They sent to Holland for brick; they found they could purchase a better brick than any that were made in the Hudson River area, and pay the duty and put them up at a profit of 20 per cent, as compared with the American product.

Then came the woodwork. They went to the Pacific coast in Canada where labor is cheap. The Pacific coast in Canada sold them the wood, dried out to their order, sent it over the Canadian Pacific Railway, the freight being lower than on our railroads, because of the cheapness of labor, and brought it down to them, at a profit of 30 per cent, or a little over 30 per cent on the woodwork. When he got through—if you knew his name you would not at all hesitate to believe the situation was as he related it; I could give you his name, but I have not his consent to do so—but when he got through I said to him it was a tragedy, because if it was true about bricks and woodwork it was true about silks and other industries; and I took the trouble to go around among my friends and find out how it was in other industries. I found that the woolen market in this country for men's clothing, that you can purchase English woolen cloth, made under the English methods, and get it to the United States for less than you can purchase the shoddy here, with a gloss on it. You can pay the freight and the duty and you still can have a profit.

Senator KING. Have you not forgotten one factor?

Doctor BERG. What was it?

Senator KING. Namely the cupidity of American manufacturers, who are not satisfied with a reasonable profit?

Doctor BERG. No; the conditions I have described do not depend on the cupidity of any man, woman, or child.

The same is true of silk. Let me tell you about one of my friends, a larger manufacturer, who is going to Genoa to see about putting up factories, thinking of giving up his factories in New England, because he thinks he can get those goods over there and sell them in New York at a greater profit than he can manufacture them here.

I want to tell you gentlemen, as surely as you are sitting there, if you pass the Johnson Act there will be no industry. And I want to say to the labor union leaders, if they are behind this thing—I do not know that they are—but the labor union leaders, if they are behind this thing, there will be no wages, because there will be no industry.

The CHAIRMAN. Doctor Berg, we have certain bills under consideration here. What have you to suggest as to those?

Doctor BERG. I have this to suggest: We have been giving you some bad facts in connection with it. You are making it worse. You are trying to make it 2 per cent, instead of 3 per cent. I suggest that you leave the 1917 immigration act alone. That is the law now. The others were amendments to it that had limited life. Let them expire by limitation. And appoint a commission, such as was suggested by the learned counsel on my right, and let them study the subject, and when they have studied it, I guarantee there will be no Johnson bill, and no Lodge bill. There will be a different situation.

Mr. Chairman, I am not a prophet of evil. But I tell you now that if you pass this bill, there will be no industry. I remember three years ago, when you were sitting in a chair similar to the one you are sitting in now, that the prediction was made with reference to our wheat situation. And if I had time I could show you that Mr. Johnson said that it is no longer necessary for nations to supply their own wheat. Think of it! If the war did not teach our Congress to know one thing, that a nation that could not feed itself was a bankrupt nation at the beginning, I would not want to be an American, and live in a land where the rolls you had at breakfast were made out of Argentine wheat, because it is cheaper.

There is no question about this thing. It is not a fiction that confronts you. You think you have an immigration act which permits people to come in, which it does not; it only permits them to be kept out. Labor will have to come down to a reasonable wage. We have the machinery and the intelligence, and labor never will have to work for the price it gets abroad; but it will have to come down to a reasonable wage. The whole week's salary going for food. We will be able to feed them, but the whole week's salary will have to go for food. And I am quite sure if we get immigrants enough, and good competition, you will succeed in improving the labor conditions, as well as the country's condition. If you do not, you will have a land in which the exports will be less than the imports from day to day. The exports in 1920, when the Johnson bill was passed, were a little less than 20,000,000,000. To-day, a little more than 15,000,000,000. The imports which were away below the

exports in normal times have arisen, and to-day are still rising, as I noticed by the Herald this morning, until to-day the imports threaten to exceed the exports. That speaks for itself. That is because they are too dear to export. You have got to do this thing, or panic stares you in the face. I am not a prophet of destructive evil. But what you do to-day means the supremacy of the United States of America, or it means the destruction of commercial and industrial supremacy. That is as positive as I stand here. And if in the last instance you should decide to accept either of these bills, I should have to remind you by saying, "I told you so." It is a fact. I am not afraid of the labor unions. I am a better friend of theirs than their own leaders. Lower prices for materials will mean lower prices for their living, as well as mine.

You can do one thing or the other. I have studied this subject. I can furnish you the statistics. I can show you how Argentine figures have gone up. The same thing is true in Canada.

There is one point further, and then I am through. The Canadian immigration commission does not make any difference in the Nordic. Would you not think that Canada, being one of the subjects of England, would be an admirer of the Nordic, so called? The Canadian commission will let in any immigrants, and give them their farming implements on one-tenth annual instalments. That is what they think about it. They do not care whether he is a Turk or an Italian. That is the restrictions they want. The only restrictions we want is the restrictions of 1917, which lets in everybody, except those who are disased, or the insane, or those who are in danger of becoming a public charge.

Senator HARRISON. Did you favor the 1917 law at the time it was passed?

Doctor BERG. Yes, sir.

Senator HARRISON. You were for that?

Doctor BERG. Yes; very much.

Senator HARRISON. At that time?

Doctor BERG. Yes, sir.

Senator WILLIS. What organization do you represent?

Doctor BERG. I represent the Greater New York Taxpayers' Association, which has a membership of 4,600. They gave a dinner the other night at which were present four of the highest officials of the city of New York, all of whom spoke of the Johnson immigration bill with not a single complimentary word, and were received with cheers.

I also represent a real estate association, of which Mr. Baker is secretary. I have spoken on the immigration bill to fully 10,000 people, and resolutions were sent to this committee from several of the largest organizations in New York and by several of the churches before whom I spoke. So I represent at least 10,000, if not more, and you will find that New York City feels just as I do about the immigration act.

The CHAIRMAN. Thank you very much, Doctor Berg. Who is the next witness?

**STATEMENT OF MR. JOSEPH MAYPER, REPRESENTING TRANS-ATLANTIC STEAMSHIP CONFERENCE.**

The CHAIRMAN. Will you please state for the record whom you represent?

Mr. MAYPER. I represent the Trans-Atlantic Steamship Conferences.

Senator KING. Does that representation include representation of the Shipping Board?

Mr. MAYPER. Yes, sir. Mr. E. E. McNary, passenger traffic manager of the United States Lines, represents the United States Lines here.

The CHAIRMAN. You wish to speak with reference to the shipping provisions?

Mr. MAYPER. With reference to the technical provisions of the bill.

The CHAIRMAN. Have you a brief to present?

Mr. MAYPER. I have not. But our suggestions, if adopted, will probably reduce considerably the personal hardship to the individual immigrant, reduce unnecessary burdens on the steamship lines, and help the immigration and consular authorities administer the provisions with greater ease.

I want to note the appearance of Mr. R. H. Farley, passenger traffic manager of the International Mercantile Marine Lines, representing the North Atlantic service; Mr. McNary, of the United States, representing the continental service; and Mr. D. A. Truda, of the Transatlantica Italiana Line, representing the Mediterranean services. There are 27 steamship lines transporting passengers across the Atlantic that are members of this conference.

Now, I will come right down to the technical provisions, and try to show why certain modifications should be made.

First, I call attention to line 18, page 2. The validity of the visé certificate is there limited to four months. I suggest, and I believe my associates would also suggest, that that be increased to six months, for reasons of practical administration on the other side. Immigrants, especially in the central part of Europe, can not close their arrangements, secure accommodations, and obtain transit visés for the various countries through which they must pass within the four months' period. The limitation of its validity to that time would, in our judgment, keep out a number of people who would otherwise be admitted.

Senator HARRISON. What time is provided in the Johnson bill?

Senator REED of Pennsylvania. The Johnson bill made it originally six months and then cut it down to two months, and I raised it here to four, after Mr. Curran had objected to the six months.

Mr. MAYPER. Let me give just one practical illustration of that point. As all of you know, a number of passports of foreign governments are already in the hands of prospective immigrants to the United States. Those passports are issued for periods of one year, generally speaking. A passport may expire in September, October, November, December, or January of the coming year. An immigrant with a valid foreign government passport presents it to the American consul, and gets a visé certificate valid for four months thereafter. During the time that he is completing arrangements for actual embarkation it is possible, in many instances, that his



original passport from his own government will expire. In order to obtain a renewal of that passport in most countries east and south of Germany approximately three months time is taken up. By the time he gets his passport renewed the validity of his visé certificate will expire.

Senator REED of Pennsylvania. Our only motive in cutting it down to four months was to avoid the seasonal rush of immigration in the spring. Do you think that would result if we make it six months?

Mr. MAYPER. I do not think so. The percentage act stimulates this effort on the part of the trans-Atlantic steamship lines to hurry their passengers across. They want to bring them in within the 20 per cent limit each month. Now, probably two-thirds of the immigrant traffic over this way is by prepaid tickets. The tickets are bought here and the lines are designated in advance by the relatives or friends of these aliens. The passenger on the other side must go by a certain line when he travels. In certain countries of Europe the lines are limited as to the amount of tonnage that they can bring to certain ports. All of these things make it necessary; it seems to us, to extend the validity of the visé certificate to six months.

Senator REED of Pennsylvania. This is going to avoid racing, and it is going to avoid this last minute rush?

Mr. MAYPER. It will eliminate racing. There will be no racing.

Senator KING. Six months will be sufficient?

Mr. MAYPER. We think that if possible it ought to be for the life of the passport period, but six months would be very helpful.

Senator HARRISON. What per cent of the tickets for transportation are purchased in this country?

Senator KING. Eighty per cent.

Mr. MAYPER. I should say, generally speaking, about two-thirds.

Senator KING. I thought it was about 80 per cent.

Mr. MAYPER. That is taking the situation by and large, for all nationalities.

The CHAIRMAN. According to Mr. Husband's report, nearly 50 per cent of the immigrants who came in last year had their passage paid by relatives here.

Mr. MAYPER. That is very possible. The other 16 per cent might be friends of people on the other side.

Just to show you the tremendous difficulties of the situation on the other side, I want to say this: An analysis prepared for our conference for a five months' period last year, when about 200,000 immigrants were brought in, show the very serious administrative difficulties involved in complying with this four months' validity provision.

We checked the arrivals of about 200,000 immigrants during the five months from July 1, to November 30, 1922. The passengers were born in 44 different countries. They were transported by 27 different steamship companies, under different management, in 145 different vessels, that made approximately a total of 500 trips from about 50 trans-Atlantic ports.

Page 2, lines 22 to 25:

If the vessel, before the expiration of the validity of his certificate, departed from the last port outside the United States and outside foreign contiguous territory.

The theory there is as I understand it, that if a passenger has a certificate which is valid at the time the vessel leaves the last port of call on the other side, no matter what time he arrives on this side it is valid for the purposes of this act.

I would suggest a minor change. Some vessels take a week to complete all of their ports of call. Take the Mediterranean services. They start at Constantza or Constantinople, and they touch at Trieste, and then at Naples and at the Azores. Vessels on other routes may touch at the principal ports on the Baltic, or they may touch at South American ports.

I would suggest that instead of the last port you make it the port at which the immigrant embarks, wherever it may be. As an illustration, a person embarks from Riga with a valid certificate. It expires the next day, while he is on the high seas, before he reaches Southampton. By the time he reaches Southampton its validity has expired, and he would be deported under this provision. So I suggest that you omit the word "last" in line 24; and in line 25, after the word "territory," insert "at which the immigrant embarked."

Senator KING. Do you think that under the conditions you have just indicated it would be held that the certificate expired and the immigrant would be denied admission?

Mr. MAYPER. I should think so, under the phraseology of the bill as I have read it. It says "from the last port." It is valid if at the time the vessel leaves the last port of call he has an unexpired certificate.

Senator KING. I am sure the spirit of the act would place upon that a construction different from that which you place upon it.

Mr. MAYPER. But let us play safe if we can.

Senator KING. Yes; I think you are right.

Mr. MAYPER. Page 3, paragraph (f). This paragraph provides that if the consul on the other side, from the documents presented to him and because of an opinion of his own, has any reason to believe that the immigrant is inadmissible, he has a right to refuse a visé certificate. Let us see what that may result in in occasional instances—and those are the instances that are going to fill our newspapers with cries of inhumanity. If we can possibly avoid that, let us try to do so.

We see cases of persons applying for visés, who for some reason or other the counsel feels should not receive a visa certificate. He feels that, from certain things brought to his attention. Should not that immigrant have the right to apply again within that fiscal period, or the right to appeal to some board of consuls, if you please, in Europe or some place, similar to the right that an immigrant has who is going to Canada, for instance, under the Canadian laws?

Senator REED of Pennsylvania. Let us say a man lives at Naples and is unable to get a certificate because the consul says, "Oh, you are not going to be admitted when you get there. You have lost your left arm." His natural course is to go directly to the consul general at Rome, who has charge of the distribution of all the quota certificates. It is not necessary to provide any elaborate appeal courts in this act. That is the most natural thing in the world. If he takes it up with his own authorities they will take it up with the consul general.

Mr. MAYPER. And yet you so very definitely limit the issuance of the visé certificate to the judgment of the individual American consul; by a strict interpretation it would prevent such an immigrant from applying to anybody else.

Senator REED of Pennsylvania. I know it would. But as a practical matter you have to send these certificates to the consul general at the capital city of each country, and he distributes them as they are needed, and the nationals of that country would, of course, go to him, without the necessity of any cumbersome machinery.

Mr. MAYPER. By all means, let us avoid having any cumbersome machinery.

Senator REED of Pennsylvania. And many times it is going to make trouble to them as well as for us if we build up an elaborate appeal procedure over there, on the assumption that the immigrant has the right to one of these certificates.

Mr. MAYPER. Could you not provide that a man may apply within the fiscal period to the consul general of his country, or something like that?

Senator KING. Do you interpret this law to mean that the decision of the consul in res judicata and that the man can not again apply as long as he lives?

Mr. MAYPER. I should think so. It does not say so definitely, but once the person has applied to the consul and he decides the man is not admissible, that would terminate his right.

Senator REED of Pennsylvania. Oh, no; he could do as people do with us here. He could keep on applying until they give him what he wants out of sheer boredom.

The CHAIRMAN. Your position is that according to the strict language of the statute there is no appeal?

Mr. MAYPER. Absolutely.

The CHAIRMAN. It rests entirely in the discretion of the consul?

Mr. MAYPER. Absolutely.

The CHAIRMAN. Does not the language provide that? Does it not say so here?

Mr. MAYPER. I think so. I think it prohibits it.

Senator REED of Pennsylvania. Well, we have your thought on that. Let us proceed to your next suggestion.

Mr. MAYPER. This would very likely result in the permanent separation of families, if it is strictly construed.

Senator KING. You might have a consul who is extremely unfair.

Senator REED of Pennsylvania. We might add half a dozen words here, "with the right of review by the consul general."

Senator KING. Yes.

Mr. MAYPER. Page 11, line 13:

(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of \$6, which shall be covered into the Treasury as miscellaneous receipts.

There is a rather interesting situation here. You require the returning alien, the alien who is a resident of this country and who makes a trip abroad, to pay \$6 for a permit. The permit is a good idea of course. He pays that \$6. On his return trip he pays \$8 head tax. Before he can enter the United States he must show that his passport is viséd by the American consul abroad, especially in

Europe. In the country that he has visited he must, before he leaves, pay another \$10 for an American visé. So that he pays in all \$24. Now, a man who comes in on a visé certificate, who has never been here before, pays merely \$10 for the application and the visé certificate, and pays \$8 head tax, a total of \$18. It seems to me that the returning alien resident of the United States is penalized \$6 because he has been in this country.

I would suggest that an alien living in this country who goes abroad and has the right to come back should not be required to have his passport viséed by American consuls abroad. He has the American permit, so what is the need of another visé from the other side?

I would amend that paragraph by inserting after the word "receipts" phraseology similar to the phraseology you have under the visé certificate requirement, that no visé of passport shall be needed. It would then read as follows:

An alien to whom a permit has been issued under this section shall not be required by any law or regulation to secure the visé of his passport by a consular officer before being permitted to reenter the United States.

Senator REED of Pennsylvania. Would it not be better to leave the visé system in force as a method of check on the movements of the alien, to show it is a bona fide trip, and then cut the fee for visés down to, say, \$2?

Mr. MAYPER. Visés or permits?

Senator REED of Pennsylvania. Visés abroad to a man who carries such a permit.

Mr. MAYPER. Yes, that would be acceptable. In other words, do not discriminate against the man who wants to come back.

On page 12, lines 18 to 20, you provide that the number of visé certificates to be issued monthly shall be one-twelfth of the annual quota. We think that would be disastrous to a large number of immigrants who have valid certificates issued to them. It should be changed to one-tenth, for this reason: The last two months of the year should be used to absorb the valid certificates issued during the prior two or three months.

Senator REED of Pennsylvania. We are talking about the mechanics of the thing. Let me suggest this: As this bill now stands there is no annual quota; it is all divided into monthly quotas, and every month is like every other month. If we need any margin to take care of such wastage as you speak of, the proper way to do it is by raising the total quota, is it not? Do you not think it is a good plan to have all the months the same?

Mr. MAYPER. No, I do not think so. You are not going to get any one-twelfth of the total annual quota in each month, as far as individual human beings are concerned. Now, if you divide your issue of visé certificates into 10 equal parts, leaving the last two months for those to whom certificates have been issued during, say, February, March, and April, who still have certificates valid for two months longer, they can use them up during that period. That is especially necessary because of the shortness of time that an immigrant would have whose certificate is issued in the eleventh and twelfth months.

Senator REED of Pennsylvania. Oh, no. He would not have to come in in the fiscal year. He would come in at any time in the first three or four months of the next fiscal year.

Mr. MAYPER. I do not read it that way.

Senator REED of Pennsylvania. But that being so, don't you think it is better to provide for this wastage or lost certificates, immigrants dying before arrival, and all that, by slightly increasing the total quotas rather than setting apart separate months? If we follow your idea we are going to have a period at the end of the fiscal year like the period we are in at this moment, when the quotas are utterly exhausted and great distress is caused. Under this system there will not be any such period.

Mr. MAYPER. Let me understand, Senator, just what you have suggested. Does that mean that an immigrant who gets a certificate in June, the last month of the fiscal year, that that certificate will be valid for the next four months or six months?

Senator REED of Pennsylvania. Four months from whatever date it is issued, or six months if we make that change.

Mr. MAYPER. They will be able to come in during the following year. I think that meets our needs; does it not, Mr. Farley?

Mr. FARLEY. Yes.

Mr. MAYPER. Page 15, clause (2), in the first line, "is of the nationality specified therein."

This whole section provides:

No immigrant shall be admitted to the United States unless he (1) has an unexpired visé certificate or was born subsequent to the issuance of the visé certificate of the accompanying parent, (2) is of the nationality specified therein.

And so forth. This does not affect the steamship companies directly; it affects the individual immigrant. Here is what we find. This is our experience in the past few years under the percentage act:

All through central Europe you find that the boundaries between various quota countries are frequently uncertain. We have been trying for two years to obtain from the State Department or from the Department of Labor an accurate line on the towns between Lithuania and Pinsk, but we have not been able to get it. I have a map that I got from the State Department about three months ago, but it does not show the little individual hamlets on either side of the boundary or which nationality they belong to.

Now, the American consul abroad before the issuance of the visé certificate has presented to him all documents required under prior provisions of law, including, if available, a birth certificate, dossier, military-service certificate, and so on. So the American consul abroad is much better able to determine whether a certain little hamlet is on one side of the border or on the other side of the border, and his determination of nationality should be conclusive—perhaps not on other questions, but certainly on nationality.

Senator KING. So far as the ships are concerned?

Mr. MAYPER. No; so far as the result is concerned. Can an immigrant inspector at Ellis Island better determine whether some little hamlet, which is on no map, is in Lithuania or in Pinsk, in Czechoslovakia, or in Hungary?

Senator REED of Pennsylvania. That little detail of administration will be cured by coordination between the Department of State and the Department of Labor. The real necessity for inserting that provision is to prevent such abominable things as, for instance, a Russian coming in here with a British certificate.

Mr. MAYPER. We are absolutely with you on that as far as fraud is concerned. Against things like that you will need some safeguards. The trouble is that the coordination that has existed during the past few years has not worked out that way. A person came with a certificate viséd in Lithuania, and when they decided here that he was a Pole he was sent back.

Senator REED of Pennsylvania. That is because the State Department has not had anything to do with the administration of this law. Now they will have.

Mr. MAYPER. If we can safeguard it in some way, let us do so.

Senator REED of Pennsylvania. I am sure this will do it.

Mr. MAYPER. Page 16, penalty for illegal transportation. We are getting a little closer home now, as far as the steamship lines are concerned:

SEC. 13 (a). It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) any immigrant who does not have an unexpired visé certificate.

I would like to ask how this would be interpreted. Suppose an alien applies to the American consul abroad for the visé of his passport. He says, "I am not a quota immigrant. I am not an immigrant; I am simply an alien within the exempted groups in this section." The American consul must be satisfied that he is not a real immigrant before he issues the visé of a passport—not a visé certificate.

Now, steamship companies have absolutely no discretion in the issuance of these visés of passports, or visé certificates. Keep that in mind, because this passenger is a visé passport passenger and not a visé certificate passenger. He comes to Ellis Island, and the immigrant inspector there says, "Oh, no; you are not one of the exempted class. You are really a visé certificate immigrant, and you will be deported."

Now, suppose he is deported because of this ruling. Why should the lines be fined \$1,000 for bringing that immigrant to this country on documents issued by an American official on the other side which apparently seem to be all right. There seems to be no real fairness in it. We are willing to assume responsibilities when we have them, but we have nothing to do with the issuance of either of these documents by the American consul.

Mr. REED of Pennsylvania. Suppose we add at the end of paragraph (a) page 16, after the words "any immigrant who does not have an unexpired visé certificate," or "a visé granted to him as a nonimmigrant alien?"

Mr. MAYPER. That would help out considerably.

Senator KING. Would you have any means of checking the action of the official and corroborating by your examination his finding or making a finding adverse?

Mr. MAYPER. I do not see how we can. The immigrant under this new proposal will not make his booking for a certain vessel at a certain time until he is sure of having his visé certificate. He won't give up his home connections. We have no jurisdiction, nor any contact with him, except possibly through the prepaid ticket which

is bought by somebody in this country. In no other way do we come in contact with him until the American consul has acted. Then he comes to us and asks for booking. So I do not see how we can check it.

With reference to line 18 on the same page, page 16, where you fix the amount of \$1,000, under the present law fines for this kind of violation, generally speaking, are limited to \$200. You are proposing to increase it to \$1,000.

Senator KING. Have you been great offenders in the past?

Mr. MAYPER. I do not think so. When you think of 350,000 immigrants being brought to this country without any control whatsoever by the United States Government on the other side—because the issuance of the visé of the passport does not guarantee admission under the quota; and when you think that of all those people that were brought in, only 2,000, as Senator Reed said, were deported as in excess of the quota, I think it shows that we have done pretty well without the cooperation of any Government official on the other side.

Senator KING. And I presume some of that extra quota was through no fault of yours?

Mr. MAYPER. Generally speaking, no. How can you control it? I want to say that we have built up a registration machinery that costs the lines now hundreds of thousands of dollars a year in order to control this movement. No passenger under the present law can come on board a ship until he has a registration number from our own central control officer in the country from which he embarks. Your proposal calls for control by consuls that we are doing now at our own expense.

Senator REED of Pennsylvania. It is going to save you hundreds of thousands of dollars a year, so let us not complain too much if we fine you \$1,000 for taking a man into the theater without a ticket.

Mr. MAYPER. But, Senator, what is the use of an increased fine of that sort. They have got to take the man back. They have got to pay his expenses at Ellis Island. That is their fine anyway. It costs them \$400 or \$500 for every immigrant deported.

Senator REED of Pennsylvania. You are running your business intelligently, but how about the motor boat that comes over from Habana with 20 Chinamen in its cockpit? We are thinking about other things than the transatlantic liners.

Mr. MAYPER. Well, I have nothing to say about that, Senator.

Page 18, unused visé certificates; section 15. We have already discussed that. I think you took that up when Mr. Marshall was here.

The CHAIRMAN. Can you tell me what proportion of immigrants now come into the port of New York?

Mr. MAYPER. About two-thirds now. A little larger proportion used to come in there. Nearly 80 per cent, I believe, used to come in there prior to the percentage act.

The CHAIRMAN. I see from this report that from the port of New York only 1,253 were deported because of excess quota.

Mr. MAYPER. That is about one-third of 1 per cent.

Senator KING. Do you think it is possible to diffuse or disburse immigrants to other ports?

Mr. MAYPER. You mean, divert the steamers?

Senator KING. Yes.

Mr. MAYPER. Mr. Farley can answer that better than I.

Mr. FARLEY. We have done so on occasion, Senator. We have services to other ports.

Senator KING. I think it would be a good idea to take some of them to New Orleans and Mobile.

Mr. MAYPER. On the next section, alien seamen, I ask permission to have Mr. Ravenel say just a few words about that a little later.

Page 27. This is another effort to increase fines from \$200 to \$1,000 for bringing in certain mentally or physically disabled people and illiterates; also as to certain minor diseases, increasing the fine from \$25 to \$250. I do not know what more the lines can do to prevent the arrival of such aliens, no matter if you raise the fine to \$10,000 per person.

Senator REED of Pennsylvania. Can you tell us how much you have been fined in the last year?

Mr. MAYPER. I do not know, Senator. Do you know, Mr. Farley?

Mr. FARLEY. A large sum. I will submit the figures.

Mr. MAYPER. I will be very glad to get that for you, Senator. As you all know, the United States Public Health Service has practically established a quarantine on the other side for six or eight days, at every port of Europe, so that any contagious disease that an immigrant might have would be detected during the balance of the 14-day period that it might take him to come to the United States. With the efforts of the United States Public Health Service in the quarantining of contagious diseases, backed up by the steamship doctors, not only at the ports of embarkation but also at the capitals in the interior where the immigrants pass through originally, with all the medical inspection that the lines are now providing and with the medical inspection provided by the United States Public Health Service on the other side, still people will get in who are diseased simply because the disease can not be easily detected.

Commissioner Tod once said to me, when he was in office, "People come across who are apparently all right. The doctors examine them, and they seem to be all right. They are detained for a day or two for some minor reason, and during that time they suddenly develop trachoma. He might have had trachoma before he left the other side, but we did not know it. We could not locate it, and the Public Health Service could not. The doctors at Ellis Island could not locate it. It develops in the course of time."

Now, with the inability of either the Public Health Service or the steamship company doctors to detect every case of physical and mental disease of the more serious kind, it does seem to us that a huge fine is entirely unfair. Certain things can not be prevented, no matter how many doctors you put on board and no matter how high your fine is.

Senator REED of Pennsylvania. The total fines in the last fiscal year were \$201,000.

Mr. MAYPER. What would this do to it?

Senator WILLIS. There would not be so many cases. When the fine is made heavy it is inevitable that there will be greater care. The total fines collected will not be any greater at \$1,000 than they are now.



Senator REED of Pennsylvania. We do not want to increase the revenue; we want to lessen the distress. Some of these cases of disease constitute the most pathetic cases at Ellis Island, and if it is possible by any means to catch them at the point of origin it ought to be done.

Senator COPELAND. We assume that we have done so.

Senator REED of Pennsylvania. Well, we have raised the fines. The discussion is whether the fines ought to be increased. At present they are \$25 and \$200, under the act of 1917. We are making them \$250 and \$1,000.

Mr. MAYPER. And our answer is that no matter how high you assess the fine, I doubt very much whether the lines can prevent the bringing in occasionally of diseased people.

Senator COPELAND. It will be admitted by all physicians that it is extremely difficult at times to diagnose a case of tuberculosis, and the time which elapses between the examination on the other side and the examination here might be sufficient to make a diagnosis possible.

Senator REED of Pennsylvania. We have provided here "and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time"; that is, at the time of such embarkation. I think that is adequate to protect them against penalty for those undisclosed cases.

Mr. MAYPER. Take another illustration, Senator; cases of illiteracy. I have known of cases at Ellis Island where the immigrant was held on account of illiteracy. He was held for re-examination, and other examiners decided he was literate.

Senator REED of Pennsylvania. Of course there are border-line cases under every law.

Mr. MAYPER. But just because they are border-line cases, why should you load the fine on the steamship line, when the steamship line has used every precaution and has brought a person over whom it honestly believed was eligible under the law?

Senator COPELAND. Are those border-line cases?

Mr. MAYPER. I think the majority of cases in which fines are assessed are border-line cases.

Senator COPELAND. Have you a complaint to make about the way fines have been assessed in the past?

Mr. MAYPER. Well, we have asked for refund in a number of instances, and have obtained them.

Senator REED of Pennsylvania. In the main, however, they are pretty fair, are they not? Commissioner Curran is pretty fair, isn't he?

Mr. MAYPER. Oh, I think so.

Senator REED of Pennsylvania. As fair as anybody on the other side of the fence can be?

Mr. MAYPER. Yes, sir. But it is not a question of fairness at all; it is a question of physical possibility. How far can we go that we are not going now? Can we do any more?

Senator REED of Pennsylvania. Yes; you can make your test a little bit stricter than they do, and then there will not be any border-line cases.

Mr. MAYPER. Well, in my conversations with the representatives of the lines they tell me that from the inspections being made on the other side it is a physical impossibility to detect a larger number

of inadmissible aliens, inadmissible on account of physical defects, than we detect now.

Senator REED of Pennsylvania. This law is going to increase very much the opportunity for admission. You are going to have a much wider field to select from. It will not be like it was in 1910 to 1917. You are going to have a great number of applicants. You can reject the border-line cases and still fill your ships.

Mr. MAYPER. Just a minute. It may be difficult to reject a border-line case when the man has a visé certificate. A person who has a visé certificate issued by an American consul abroad is eligible, as far as any human being can tell, to admission to the United States, except for final inspection.

Senator COPELAND. We do not expect that you are going to disregard your duty even though the immigrant does come along with a visé certificate. It is expected that you will exercise precautions to see that no mistake is made.

Mr. MAYPER. I am sure steamship lines intend to continue what they are doing now as far as their medical inspection is concerned.

The CHAIRMAN. I do not think that a consul will issue a visé certificate unless the immigrant is able to pass the literacy test.

Senator REED of Pennsylvania. This bill provides that he must sign it in the presence of the consul.

The CHAIRMAN. I find there were only 2,095 cases where they were rejected for being unable to read—just about the same number as excess quota.

Senator HARRISON. How many cases were there last year in which it was sought to impose penalties for violation of this law by the steamship lines?

Senator REED. There was \$201,000 of fines imposed on all of the transportation agencies last year.

Mr. MAYPER. Was that for all causes?

Senator REED of Pennsylvania. For all causes.

Mr. MAYPER. That included a number of excess quota cases?

Senator REED of Pennsylvania. Yes; a number of things.

The CHAIRMAN. Of the 694,025 immigrant and non immigrant aliens applying for admission to the United States during the fiscal year just ended, 2.9 per cent were rejected for all causes. That is on page 13 of the commissioner's report.

Senator WILLIS. Mr. Chairman, we have the views of the witness on that point. Let us go on.

Mr. MAYPER. I think I have just one more suggestion. If you accept our position on this we will suggest further that you change the \$250 to \$25, and \$1,000 to \$200, and leave it as it is under the present law.

Senator COPELAND. I would like to make a comment there. Do you remember the old days when we had vermin-infested immigrants coming in?

Mr. MAYPER. Yes, Senator, while you were commissioner of health.

Senator COPELAND. Yes. And do you remember the row I made about it?

Mr. MAYPER. Yes.

Senator COPELAND. And you recall also that as a result of that row we did not get any more, because the immigration people estab-

lished those hotels on the other side, you will recall. They kept them there until they were clean and did not let them come in vermin infested.

Mr. MAYPER. That was the Public Health Service, was it not, Senator—the Public Health doctors on the other side?

Senator COPELAND. No; it was done by the steamship lines. The Public Health Service doctors were there to see what was going on, but the steamship lines did it.

Now, the purpose of the committee in raising the fine is to see that you are just as careful now about these cases as you have been since my rumpus with you over the vermin. That is the purpose of it.

Mr. MAYPER. Haven't we been?

Senator COPELAND. And you know that is exactly what the effect has been.

Mr. MAYPER. Haven't we been careful?

Senator COPELAND. Well, you are always good when you are made to be good. Sometimes, you know, you have to crack the whip. I would like to say in this connection, however, that there are good lines and bad lines. What I am saying does not apply to all the lines; we do not have to whip everybody.

Mr. MAYPER. There are some lines that are not members of our conference. I assume you refer to them.

Page 29, line 25, the last words, "of a sum of sufficient to cover such fines." I suggest that you insert the words similar to the bond provision, "or of a bond of a sufficient surety to insure the payment thereof."

Senator REED of Pennsylvania. I thought that had been inserted. We inserted it in two or three other places.

Mr. MAYPER. I think that is all, Mr. Chairman. I hope you will hear Mr. Ravenel for just two or three minutes.

(Additional data submitted by the witness is here printed in full, as follows:)

#### MEMBERS OF THE TRANS-ATLANTIC STEAMSHIP CONFERENCES.

Baltic American Line (Inc.), 9 Broadway.  
Canadian Pacific Steamships (Ltd.), Forty-fourth Street and Madison Avenue.  
Compagnie Generale Transatlantique, 19 State Street. (French Line.)  
Cosulich Line, 17 Battery Place.  
The Cunard Steamship Co. (Ltd.) and Anchor Lines, 25 Broadway.  
Fabre Line, 17 State Street.  
Hamburg-American Line, 39 Broadway.  
Holland America Line, 24 State Street.  
International Mercantile Marine Co., 1 Broadway.  
American Line.  
Atlantic Transport Line.  
White Star Line.  
Leyland Line.  
Red Star Line.  
Furness Line, 34 Whitehall Street.  
Lloyd Sabaudo, 44 Whitehall Street.  
National Steam Navigation Co. (Ltd.), 20 Pearl Street. (Greek Line.)  
Navigazione Generale Italiana, 1 State Street.  
North German Lloyd, 18 Pearl Street.  
Norwegian-America Line Agency (Inc.), 8-10 Bridge Street.  
Royal Mail Steam Packet Co., 26 Broadway.  
Scandinavian American Line, 27 Whitehall Street.

Scula Americana, 17 Battery Place.  
Spanish Royal Mail Line, Pier 8, East River.  
Swedish American Line, 24 State Street.  
Transatlantica Italiana, 5 State Street.  
United American Lines (Inc.), 39 Broadway.  
United States Line, 45 Broadway.

**STATEMENT OF MR. G. F. RAVENEL, ASSISTANT TO THE PRESIDENT INTERNATIONAL MERCANTILE MARINE CO.**

**Mr. RAVENEL.** At the foot of page 22, paragraph (b), you have a new amendment:

The immigration officer in charge at any port may cause the examination of the crew of any vessel about to depart therefrom for the purpose of determining what, if any, changes have been made in the membership of said crew while the vessel was in port. The collector of the port shall, upon the request of such immigration officer in charge, refuse clearance until advised by such immigration official that such examination has been completed.

In connection with that, if this thing were strictly enforced, during the periods of the year when we have large desertions which we can not stop, I doubt whether you would have any of the big trans-Atlantic liners leaving within from one to five hours of the time they are scheduled to go.

At the present time we file Form 689, which gives the changes in the crew. It would be very serious if we had to wait. For instance, we may have desertions at the last minute; we do very often. They walk right off the ship, 20, 30, 40, or 50 at a clip. Then we have to send down and get a man to inspect that ship, and he has to go all over the crew, and it is a matter of hours.

If that is the intent, then I most respectfully urge that that be stricken from the bill. I do not know how we are going to protect ourselves against it.

**Senator REED of Pennsylvania.** How are we going to protect ourselves against alien seamen? One of the biggest quotas we have to-day is deserting alien seamen.

**Mr. RAVENEL.** How does this protect you against deserting alien seamen?

**Senator REED of Pennsylvania.** It makes sure that you take away as many as you bring; it keeps the quota the same.

**Mr. RAVENEL.** Yes; but how are we going to get those men?

**Senator COPELAND.** There is another reason why we put this in the bill. We have in New York about 6,000 merchant seamen all the time.

**Mr. RAVENEL.** I should not be surprised. The number changes. Sometimes we have quite a lot.

**Senator COPELAND.** Well, 50 per cent of them are infected with the worst sort of venereal disease. We are going to help make sure that when you take on your crews on the other side you take men who are reasonably clean. We do not want them to be brought over here and dumped on us. The thing I would be particular about is to make sure that you take back all these infected persons.

**Mr. RAVENEL.** Well, sir; at the present time if those men are found on our ships they are taken away from us anyway. They are sent to hospitals.

For instance, suppose we have some desertions now; say 10. We go out and get 10 more men. While they are being inspected by the immigration officer 15 leave us, 5 leave, or 2 leave.

Senator REED of Pennsylvania. Fifteen thousand alien seamen deserted in the port of New York last year, 25,000 in all parts of the United States. We want to stop that if we can.

Mr. RAVENEL. I wish you would.

Senator REED of Pennsylvania. Do you think the landing-card system would help any?

Mr. RAVENEL. I think it probably would help. I know it would make it more difficult for the seamen. It would cause us a great deal of trouble and expense and that kind of thing.

There is one thing, Senator; do not let us shut our eyes to it. The Government officials know these men are deserting now, they know where they are, and they do not do anything about it.

Senator REED of Pennsylvania. They have not got the money.

Mr. RAVENEL. Yes, sir; they have.

Senator REED of Pennsylvania. Well, by another method we are getting them the money.

Mr. RAVENEL. No one is more interested than we are in desertions. We have them in unlimited numbers here. We can not lock them in.

Senator REED of Pennsylvania. No; you can not make a jail out of your ship.

Mr. RAVENEL. No.

Senator REED of Pennsylvania. Would a landing-card system help, in your judgment? We had it in, and struck it out on Commissioner Curran's statement that it had been tried once and proved to be a failure. Now Mr. Furuseth says it can be worked.

Mr. RAVENEL. I think Mr. Furuseth's statement on it should be of value. I do not pretend to be an expert on this phase of the thing, but if you will give me an opportunity to do so I would like to submit to you a paragraph or clause on the landing-card system which our people think will work.

The CHAIRMAN. We will be very glad to have it.

Senator REED of Pennsylvania. We have tried every expedient that has been suggested, and none of them seems to be satisfactory to all of the persons who are genuinely anxious to stop the evil. I think the best thing for us to do is to strike this whole provision out of the bill and not try to hold the alien seaman under this bill.

Mr. RAVENEL. I think that is sound. If you would strike that whole thing out of this bill, and then enforce the laws that you have, that will be the way to correct it. It simply is not being enforced at the present time; anybody knows that who is familiar with the situation.

Senator KING. Can the existing laws—not the immigration laws alone, but all laws—correct the evil?

Mr. RAVENEL. I think they could be gotten at. Of course, you know the basic feature of the La Follette act is that you can not arrest for desertion. I am not here to advocate arrest for desertion, but that is the basic thing, and that is the place where the United States officials, the steamship companies and everybody else loses control. I do not necessarily advocate that, but there is a way that the immigration people, who are charged generally with the

matter of picking up aliens who do not belong in this country—if they will just go to the people that they know are here and pick them up they will have all the work they want.

Senator KING. Your point is that there are men brought in, not American citizens, but aliens, and they desert and stay in the United States?

Mr. RAVENEL. Yes, sir.

Senator KING. And thus avoid the immigration law?

Mr. RAVENEL. Yes, sir. We have that. We have to hire men, less-efficient men, and very often have to pay bonuses.

Senator REED of Pennsylvania. There is a big colony of them this minute up in the hard-coal region of Pennsylvania.

The CHAIRMAN. I wish you would draft your suggested provision and send it to the committee.

Mr. RAVENEL. I will do so, sir.

The CHAIRMAN. Of course these seamen provisions are in the Johnson bill, and we have these seamen provisions to deal with. This is all in a tentative state, and we do not know what the final form will be.

Senator REED of Pennsylvania. What is the objection to a provision requiring every ship to carry away as many men as it brings?

Mr. RAVENEL. How are you going to get them aboard? Very often we can not get them. Let me give you a concrete illustration. Suppose you are sailing on the *Majestic* next July. You are one of 500 first-class passengers, 700 second-class, and probably a thousand third class. The ship carries 5,000 sacks of Government mail. Now, 40 or 50 men walk off of that ship. They just keep on walking; we can not stop them. We go out and we try to find others, and we can not find them. Where are you going to get them. We may hold you up for two or three hours. We may miss our Cherbourg connection and miss the mails.

The way we go at that, we hire as many as we can, and we very often have to pay a bonus. We sent out ship after ship last year with only the men who remained on board, and we had to shut off boilers and reduce the speed of the ship, because we could not get nien.

Mr. CHAS. J. BLOOMFIELD. I know something about the port of New York. Where are the officers representing the Government, the Government inspectors who are covering that ship? They are supposed to know everybody who comes down. There is supposed to be a man at the gangplank, and not a man leaves that ship unless he is viséed by an inspector of customs. I was an inspector of the port of New York, and I know it can be done. I stood with a revolver in my hand over a lot of Chinamen—

Mr. RAVENEL. Yes, sir; but those Chinamen, sir, had no right to come in. On these ships they have a right, under the laws of the United States; to all intents and purposes they have a right to desert. Section 17, page 22:

The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seamen employed on such vessel—

And so forth. Could we not put in there "who negligently fails to retain on board"?

Senator KING. Does that section seek to compel you to retain them on board?

Senator REED of Pennsylvania. Yes, until they are examined, to keep them from ducking quarantine.

Mr. RAVENEL. We take every single precaution, but these people just simply go over the side of the ship. We are required to do everything that is humanly possible for us to do, and they fight us.

Senator REED of Pennsylvania. I do not like to put on the Government the burden of showing that in every case there was an absence of negligence.

Senator HARRISON. That is a matter for the committee to consider later.

Senator REED of Pennsylvania. We could add at the end of the sentence "unless he shows it was done without his negligence."

Mr. RAVENEL. At the end of that same paragraph, line 17: "Upon the deposit of a sum sufficient to cover such fine." We would like to add to that "or a bond with a sufficient surety to secure the payment thereof."

That is all.

The CHAIRMAN. Thank you, sir.

[A letter from Mr. Ravenel on behalf of the steamship lines, expressing their views regarding the alien seamen sections of S. 2576, is printed in full, with accompanying data, as follows:]

NEW YORK, March 14, 1924.

HON. LeBARON B. COLT,  
Chairman Committee on Immigration,  
United States Senate, Washington, D. C.

DEAR SIR: Pursuant to your invitation that the steamship companies express their views regarding the alien seamen sections of the proposed immigration bill, 2576 (committee print No. 2), we take pleasure in submitting the following:

Section 17-B provides as follows:

"(b) The immigration officer in charge at any port may cause the examination of the crew of any vessel about to depart therefrom for the purpose of determining what, if any changes have been made in the membership of said crew while the vessel was in port. The collector of the port shall upon the request of such immigration official in charge refuse clearance until advised by such immigration official that such examination has been completed."

A concrete example of the possible operation of this section will demonstrate its impracticability and the very great hardship it will work upon the traveling public, shippers, and the foreign mail service.

We will assume one of the monster steamers sailing from New York in the month of June with some 800 first-class passengers aboard, a large amount of foreign mail, express matter, etc. The ship must sail at 11 a. m. when the tide is at high-water slack. Twenty minutes before 11 five stewards and five others leave the ship and walk ashore. What does this section require before the ship can sail? We would have to notify the quarantine officer to make an inspection of the crew, comprising about a thousand men scattered over the ship—engine room, kitchens, steward's department, sailors, etc. If he decided that the ship could not sail until we made up the deficiencies in the crew it would be necessary to go to the various boarding houses and seamen's associations and get additional men. This process might take an hour or two hours. In the meanwhile the tide has changed so we must wait another four hours for slack water. When this time comes additional members of the crew might decide to desert; we can't prevent them, and this process might continue indefinitely. What state of mind are our passengers in? What becomes of the regular fast mail and express services that are so valuable to commerce? The public and the ships are literally subject to the whim or malice of a few seamen.

The situation in large ports like New York would be bad enough, but it is difficult to contemplate what the results might be in smaller ports where there is rarely any surplus sea labor. In these ports such a law would almost invite trouble from any disgruntled members of the crew.

During the spring and summer of 1923 the steamship lines were put to very great expense and troublesome delays by the large number of desertions from practically every ship arriving here. Shore wages were high in the United States; men of every class deserted by the score. The American ships in the Great Lakes make a concerted drive for our men every spring. We deplore the condition even more acutely than the Government does, as it is not only expensive but very demoralizing to our forces, and we are anxious to co-operate in every possible way to prevent the practice of deserting and the returning of these men to their home ports. We do not, however, believe that this section would accomplish this purpose, and we are certain that this enactment of this section and the enforcing of its provisions will result in steamers, the traveling public, and foreign mails being delayed hours and at times even days.

At the present time the steamship lines file with the Immigration Service Form No. 680, which gives the name and nationality of all deserting seamen and the other changes in the crew since the ship entered the port, copy of which is annexed hereto. This form gives the Immigration Service the information that they desire. What more could an inspection by an immigration officer accomplish?

The Government officials to-day are aware of the fact that thousands of men are on the water fronts and working inland who deserted and are in this country contrary to the immigration laws, yet nothing is done to arrest and deport them.

The so-called LaFollette seamen's act not only prevents the arresting and returning to the ship of an alien seaman deserting in American ports but requires the ship to pay one-half of his wages due, which, of course, supplies the necessary funds. It is practically an invitation to desert, and the steamship owners and Government officials are absolutely powerless. He can laugh in the faces of the ship's officers and the Government officials on the dock in the very act of deserting.

We are informed by the committee that they are very much worried over the fact that there are thousands of alien seamen in our ports infected with venereal diseases who have deserted ships. If any considerable percentage of the foreigners having venereal disease are in the steward's department, we can hardly believe that the committee would suggest that we deliberately employ such a man for the purpose of handling food.

Our suggestion would be to have a wholesale rounding up of such foreign seamen throughout the United States and cause their deportation. The whole subject is a difficult one requiring careful study and should not be confused with the general question of immigration.

Our recommendation would be to strike out the seamen's sections entirely from this act and the enactment of some legislation that has some teeth in it to prevent the foreign seamen from disregarding entirely the immigration laws of the United States with regard to their entering and remaining in this country.

Section 19 of the original bill, page 19, provides for seamen's landing cards. If the committee does not accept our suggestion to eliminate all seamen's sections from this act and desires to make some attempt to limit the evil of desertions, we believe that the provisions providing for a landing card would be beneficial, provided only that the Government will periodically round up and deport seamen who have expired landing cards or no landing cards. The system will only be of value provided it is enforced by the Government. At the present time a landing card, hereto annexed, is issued to the crew but has no identification except the name. These are thrown away as soon as the men get ashore. We know that continuous discharge books which are issued to a seaman showing his record are destroyed as soon as his record does not redound to his advantage. In the case of these landing cards they will be held by the seaman as long as they have not expired, but as soon as they have expired they will be destroyed. This plan if rigidly enforced, and if the seamen know that it is going to be enforced, will undoubtedly be helpful.

Section 16 provides that no seaman shall be permitted to land in the United States who is excluded from admission to the United States under the immigration laws except temporarily for medical treatment, etc. The term "immigration laws" is defined by paragraph F of section 25, page 34, line 15, as





## SELECTIVE IMMIGRATION LEGISLATION

*Discharged seamen*

Name	Age	Nationality	When and where signed on

*Seamen signed on at this port*

Name	Age	Nationality	Name	Age	Nationality

*Seamen left in hospital*

Name	Age	Nationality	When and where signed on	Sickness

I acknowledge this reference to section 36 of the immigration act of February 5, 1917, printed on the reverse side of this sheet, imposing a fine of \$10 for each change in crew not reported by me. I certify on honor that the foregoing is a complete and accurate report, and that, should any additional changes in crew occur before my vessel sails from this port, I will report such changes to the immigration authorities.

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*Master.*

## EXTRACT FROM IMMIGRATION ACT OF FEBRUARY 5, 1917

SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who

will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrivals is located the sum of \$10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

(After informal discussion as to further procedure:)

Senator HARRISON. Mr. Chairman, will you hear Mr. Dever now?  
The CHAIRMAN. Yes.

#### STATEMENT OF MR. S. H. DEVER.

Mr. DEVER. Mr. Chairman, your committee to a very large extent, as I understand it, has to do with ways and means. My interest here is not to tell you how to do things, but merely to call your attention to what this all means to the cotton-producing section of the South.

The gentleman from the Carolinas gave you some information this morning. He dealt very largely with the cotton situation as a whole. I come from the center of the Mississippi Delta, which produces half of the long-staple cotton grown in America. In the past five years we have lost about 19 per cent of our labor by migration to northern centers. We have had practically no replacements, other than by robbing other sections of the South.

In other words, the agricultural sections of the South as a whole have had no replenishment of their labor. We are 53 per cent developed as far as tillable lands are concerned, and we find that in three years we have lost 19 per cent of our labor. We still have our investments. We still have our bond issues to meet.

There is no way in the world that we can conceive to check the migration of the negro. To my way of thinking, personally, I have no desire to check it. I think it is a natural movement. So I have come to ask that in the consideration of this measure you will not lose sight of the fact that we must have more and better—and especially more intelligent—labor in the South, in this cotton area, to protect that which we now have as an investment.

Senator REED of Pennsylvania. Will Mexican labor suffice?

Mr. DEVER. I am a native of Texas, Senator. The States that border on Mexico will absorb all of the labor that Mexico can possibly send out.

Senator COPELAND. What is your suggestion, Mr. Dever?

Mr. DEVER. We must do something to produce agricultural labor, Senator; labor that will come into the agricultural sections. Just what it is, I will not undertake to say.

Senator COPELAND. Were you here this morning?

Mr. DEVER. Yes, sir.

Senator COPELAND. I have tried for a long time to get the Department of Labor to recognize farming as skilled labor, so that when

you have a problem like this and you make a demand for persons who are skilled in the soil you can get them. But they have taken the view up to now that farming is not skilled labor. You want to have a way of requisitioning the labor that you need to carry on your cotton industry?

Mr. DEVER. Senator, in requisitioning labor from the cities of the North, I will say that 10 laborers picked out from the city of New York, for instance, and sent to me to grow cotton in the South would do me no good. It is a profession, so to speak. They must learn it, just as a competent wheat farmer learns to grow his wheat. As an illustration, with 84 negro families and 22 Italian families, my 22 Italian families have concentrated their land and their efforts on producing cotton—

Senator HARRIS. How much more do they cultivate than the negro labor?

Mr. DEVER. A negro man and his wife with an average of 15 acres of tillable soil will produce a maximum of 10 bales of cotton.

Senator HARRIS. What about the Italian family?

Mr. DEVER. An Italian man and his wife will work 21 acres and produce from 14 to 15 bales.

The CHAIRMAN. I did not understand your answer to Senator Reed's question. Do the Mexicans supply this labor want at all?

Mr. DEVER. No, sir.

The CHAIRMAN. Why not?

Mr. DEVER. The States that border on Mexico will absorb all of the labor that Mexico can possibly furnish.

Senator KING. Before coming to the Senate I often visited Arizona and New Mexico in a professional way. I discovered that the Mexicans who came to work in the mines returned to Mexico. It was hard to retain them and no matter what wages were paid, they preferred after obtaining a few dollars to go back to Mexico. There seems to be no disposition on the part of the Mexicans to migrate to the United States, notwithstanding the high wages paid here.

Senator WILLIS. How do you explain the fact that there are 2,000 of them in Gary right now?

Senator KING. As to what has occurred in the last five or six years I do not express any opinion.

The CHAIRMAN. The testimony before the committee at our hearings two or three years ago was just what Senator King has said. It was estimated that between 80 and 90 per cent of them returned. That may have been a high estimate.

Mr. DEVER. I will say, Senator that in the month of December when I was making a trip to learn the agricultural conditions in the Central and Southern States I encountered the immigration and labor agents of the Baltimore & Ohio Railroad. They moved some 400 Mexicans about that time from southwest Texas to Ohio and Pennsylvania points, and they only work six or seven months on an average and then return south. They will not remain.

Senator KING. Is it your idea that there should be a provision in the law that the skilled agriculturist might be permitted to come in?

Mr. DEVER. Yes, sir.

Senator KING. The preference given to them?

Mr. DEVER. Absolutely. A great many people take the view that there is a surplus of production of agricultural products. I do not agree with them. A 10,000,000-bale crop is only a surplus of less than 1,000,000 bales. Less than 10 per cent to carry over for a business of that magnitude is too small.

Senator KING. Is it not a fact that with the increasing population, if you could produce cheaper cotton goods, there would be a larger consumption of cotton?

Mr. DEVER. I presume there would be. The condition that we have now is that we have sufficient labor to work 50 per cent of our tillable soil. We have our investment there of the entire 100 per cent, but we have lost 19 per cent of our labor in the last three years. At the present rate of migration from the South, with no replenishment, in another five years we will still have our 100 per cent investment, but we will have lost somewhere in the neighborhood of 50 per cent of our labor.

The CHAIRMAN. What proportion of your labor comes from southern and eastern Europe, or is Italian or Pole?

Mr. DEVER. We could not differentiate it, because within the State of Mississippi there are only some 30,000 or 40,000 farmers out of the total population. In my county, Bolivar County, we have a population of 56,000, with a population of 8,000 aliens.

Senator COPELAND. How many Italians have you in your employ?

Mr. DEVER. I have 20 families.

Senator COPELAND. Have they been with you for a long time?

Mr. DEVER. Some of them have been in America 17 years; they have all been in that community all of the time they have been in America.

Senator COPELAND. Do you have any trouble in keeping them there?

Mr. DEVER. None whatever.

Senator COPELAND. Is it your belief that if there was a provision made by law so that a person skilled in the soil could be brought in, you could locate them and keep them?

Mr. DEVER. It is.

Senator COPELAND. You do not think they would float off?

Mr. DEVER. No. I base that on this fact. In my individual case I share the crop with the farmer. I charge him one-fourth of his crops for his rental. If he has a bad year I share the loss with him; if he has a prosperous year I share the prosperity with him. If he is extra ambitious and extra active I earn just that much more.

Senator WILLIS. Are these Italian families that you employ originally from the same vicinity?

Mr. DEVER. A great many of these Italians were originally brought from Italy by Colonel Crawford, who settled in that community 17 years ago. Colonel Scott brought a great many and settled there in the other side of the county. But as these men reduced their farms these Italians scattered, and I got a number of them.

Senator WILLIS. Have you made an effort to get other Italians from outside?

Mr. DEVER. Only from Louisiana. But in doing that you have to be very careful. You can not mix the northern Italian and the

southern Italian. You can not mix the central Italian with the southern Italian.

Senator WILLIS. You are speaking now with reference to the geography of Italy and not of the United States?

Mr. DEVER. Absolutely.

Senator COPELAND. Are they still Italians? I mean to say, do they speak Italian?

Mr. DEVER. Yes; they speak a large per cent of Italian among themselves. Their business is transacted in English. Their children are in our schools. Their sons—out of this colony of 34 families the only six that were available went into the American Army. Three were left in France, and three came back.

Senator WILLIS. From what part of Italy do these Italians come?

Mr. DEVER. From Ancona, in central Italy. That is, the agricultural class.

Senator COPELAND. Suppose you were free to do it, how would you go about getting 100 Italian families? Would you go to Italy and select them?

Mr. DEVER. Yes, sir.

Senator KING. Have they sought to bring others to America from the region from which they came?

Mr. DEVER. Yes, sir.

Senator KING. With what success?

Mr. DEVER. Only one family during the year 1923.

Senator KING. What assurance have you that any others from Italy want to come?

Mr. DEVER. I have had from these Italians applications from some 40 families for homes, if they can come within the immigration requirements.

Mr. REED of Pennsylvania. They want to come as entire families?

Mr. DEVER. Yes.

Senator REED of Pennsylvania. Will their Government give them passports?

Mr. DEVER. They will.

Senator REED of Pennsylvania. Is not that the sticking point, that the Italian Government wants to give passports only to the wage earner?

Mr. DEVER. Yes, sir.

Senator REED of Pennsylvania. And wants him to leave his family at home?

Mr. DEVER. Yes, sir.

Senator KING. Do you think the Italians in the south of Italy are desirable citizens?

Mr. DEVER. I think so. My experience is that they are.

Senator KING. Are they law abiding? Do the young children assimilate themselves readily? Do they learn the language?

Mr. DEVER. Very well, indeed.

Senator KING. They take on American ideas and American culture?

Mr. DEVER. They do.

Senator WILLIS. You have had no experience on your plantation there with other than these Italians and Mexicans?

Mr. DEVER. As a young man in Texas, 20 years ago, I had a good deal to do with Polish and German labor.

Senator WILLIS. Was it the same sort of labor? The same sort of employment?

Mr. DEVER. Agricultural employment; yes, sir.

Senator WILLIS. What was your experience with them?

Mr. DEVER. It was satisfactory.

Senator KING. The Poles are very fine workmen, are they not?

Mr. DEVER. They are good workers, but not as intelligent, if you will permit me, as German agricultural labor.

The CHAIRMAN. Thank you very much. Now, we might call one other witness.

**STATEMENT OF MR. JAMES F. GULNACK, BANGOR, ME., REPRESENTING MAINE CHAMBER OF COMMERCE AND AGRICULTURE.**

Mr. GULNACK. Mr. Chairman, I might say that this organization that I represent has for the past two years been making, as far as we could there in Maine, a more or less intensive study of immigration, because it seemed to some of us that it meant a lot to our State.

I do not want to take any more of your time than I possibly can, and so, coming down on the train, I just jotted down some notes. If you will excuse me, I will read what I have to say, in order that I may take as little of your time as possible.

The State of Maine, the oldest permanently settled portion of the American Continent, can justly claim that her residents are as nearly 100 per cent American as any other State in the Union. The 1920 census shows that her native born form 86 per cent of her population. Of the 14 per cent foreign born, 69.5 are Canadian born, which increases the total of American born in Maine to 95.4 per cent. Of the foreign born, 55 per cent are living in urban districts and 45 per cent in the rural districts.

The number of farms under cultivation in Maine has decreased since 1870 and down to 1920 by 16,082, and the number of acres of improved land by 1,507,579.

Senator COPELAND. That is the decrease?

Mr. GULNACK. That is the decrease. This is a loss of 25 per cent in farms and 43 per cent in acres of improved land.

Senator KING. Forty-three per cent in the State?

Mr. GULNACK. Forty-three per cent of the farms, of the total number of farms at our maximum peak, which was in 1870. Twenty-five per cent of those are now not under cultivation or not being used.

Senator COPELAND. Is not one reason for that this, that the farmer who had large acreage is now cultivating intensively a few acres, raising potatoes and things of that kind?

Mr. GULNACK. Why, no, Senator, not to any extent. As a matter of fact, as far as our potato-growing section is concerned the land is being cultivated to-day more than ever. Our loss is in the other sections. In Aroostook County, for instance, there is no difficulty, because there is a real agricultural industry there, and I will try to bring out the reason why I think it has been a success.

Senator KING. How do your crops compare quantitatively now with what they were when you had the high peak of arable land, or cultivated land?

Mr. GULNACK. I have not the figures as to the total crops produced by Maine as far back as 1870. I will say this, though, that to a small extent what Senator Copeland suggested is true, that there are some sections where they are cultivating the land more intensively. It is the same way in New York. I was born up in New York State. Senator Colt knows what it is all through New England. There has been a loss of 7,500,000 acres under cultivation in all New England, as compared with what there was in 1870. There has been an exodus from the country to the cities and to other States. It is a question of immigration, and as far as Maine is concerned that is the only way to make up for that loss.

Senator WILLIS. You say there is no difficulty in the great potato-growing sections, such as Aroostook County?

Mr. GULNACK. Not as far as deserted farms are concerned; no, sir.

Senator COPELAND. My father was born up around Dexter, Mich. Up around there they are all raising potatoes now, and they can get out of a few acres what they used to get out of a good many.

Senator KING. I rode from Utica down to Cooperstown last summer, and it seemed to me that every third or fourth farm in that beautiful section was deserted.

Senator COPELAND. One farm in 16 in Pennsylvania was deserted last year.

Senator REED of Pennsylvania. And what is the economic reason for it? We can not now row upstream.

Mr. GULNACK. During this same half century Maine has given liberally of her boys and girls, which in great part account for her abandoned farms. More than 50 years ago Governor Chamberlain in addressing the Maine Legislature characterized the State as a "nursery for the missionaries of civilization," and urged the bringing here of Scandinavians, saying, "If we can not keep our sons at home, let us bring in our cousins." His advice was followed, and a number of Swedish families were brought over for settlement in the northern part of the State—Aroostook County, now famous for its fine potatoes.

This settlement, known as New Sweden, was a success in every way. Many of the descendants of these settlers still reside there; others are living elsewhere in the State, occupying prominent positions in the business world and professional life of their communities; and most of the public schools in this part of the State are now being taught by Swedish girls. They not only have assimilated with us; they have improved us. This county alone has had a healthy and consistent growth in population, although other counties have superior advantages.

In connection with a different type of immigrants that has come in to some extent, I will refer you to Senator Fernald, who knows the situation even more intimately than I do.

A few Finns who came to Maine, having been brought here to work in the woods, went to one of the banks to see if they could borrow some money to buy a farm there. Quite a number of them bought right in the locality where Governor Fernald lives. He told our Maine farmers two years ago:

As far as the Finns are concerned, I want to say this: In our kind of business we have decided that whatever a Finn asks for in the way of an advance we will give it to him without any question, because our experience has been



that, in the first place, they never ask for more than they want, and in the second place, they have paid back every cent that has been advanced to them, a thing we can not say for our natives.

Senator Fernald made that remark himself.

Senator REED of Pennsylvania. We settled the Finnish debt this week in the Senate. That bears out what you say. That is the only country in continental Europe that is in that situation.

Mr. GULNACK. The people of Maine are desirous of advertising to the people of Europe the farming possibilities of their State, in the hope that their unused farms can again become productive. That there is room in Maine for more people can be seen from the fact that the State could take, in addition, to the increase averaged over the last 50 years, the gross number admissible under our present 3 per cent quota for 37½ years, and then would not be any more densely populated than is Massachusetts.

We do not think it should any longer continue to be a criminal act to tell a Swede or any other desirable foreigner that he can have work in Maine if he will come there. In fact, we think that it is criminal toward the State to legislate against her advertising the possibilities of her farms, of work in the summer time at her resorts, and in the winter time in her woods. With the number of immigrants limited, with the publicity given to high wages paid in cities, what chance is there of getting desirable people to go on the farms unless we advertise their advantages to a class of people desirous of farming and willing to live the kind of life necessary.

To make this possible, we suggest for your consideration an amendment to your bill, as follows:

The Secretary of Labor, upon the verified petition of a citizen of the United States, when it shall satisfactorily appear to him after full hearings and investigation that the facts stated in such petition are true and that the immigrant for whom petition is made is a farmer or a farm laborer coming to the United States for the purpose of carrying on agricultural pursuits in the rural districts of the United States, shall authorize and require a consular officer to issue a special visé certificate to such immigrant, his wife, and unmarried child under 18 years of age accompanying him, regardless of quota or contract labor restrictions.

Senator WILLIS. Will you permit an interruption just there? Would it satisfy you just as well if we increased the quota and the farmers were given a preference in the issuance of visé certificates?

Mr. GULNACK. It would not satisfy me; no. I am of the opinion that our whole future legislation, if it is to handle the problem right, must be along the line of selection and not repression. When you consider that Maine could take your gross 3 per cent for 37½ years and then be no more densely populated than is Massachusetts, I do not think that we need have any fear as to numbers if they are the right kind.

Senator WILLIS. You see, the difficulty of the committee is this: Suppose we fix a quota at any given per cent. Tentatively it is fixed it 3 per cent. Suppose it were 10 per cent. Why fix a quota and then go to work and enumerate a number of classes that shall come in outside of the quota? The committee thought it more logical to fix a quota and then provide that these various classes should have preference in the issue of the visé certificates. But we think they should come within the quota.

Mr. GULNACK. That would, of course, be better than this, but I am just expressing my own opinion. If we can get the type of people that we have had there in Maine and that we have reason to believe we can still get, I do not believe that the question of numbers should worry us. It seems to me they will make desirable citizens of the kind we want here in any reasonable number.

Senator WILLIS. Then am I to understand that you say there ought not to be any quota?

Mr. GULNACK. Oh, absolutely no.

Senator WILLIS. You want a quota, but have it fixed so that as many as may be needed can come outside of that?

Mr. GULNACK. I would like to have it provided by law that nobody who is not a desirable person could come in, and then that all the desirable ones who wanted to come could come in.

Senator WILLIS. Well, you have stated a great desideratum, if you can frame a law like that.

Senator REED of Pennsylvania. May I interject a remark about your mathematics? The present quota is 357,000 persons a year. The quota for 37½ years would therefore be about 14,000,000 persons. The population of Massachusetts is less than 5,000,000.

Mr. GULNACK. Yes, sir; but the State of Maine is as large as all the rest of New England put together. We could take Massachusetts and Senator Colt's State of Rhode Island and put them up in Aroostock County and not be able to find them.

Senator REED of Pennsylvania. Do you not get any relief from Canada, from the French Canadians?

Mr. GULNACK. About the only immigration we have is that of the French Canadians.

Senator REED of Pennsylvania. The quota law does not apply to Canada, you know.

Mr. GULNACK. No; it does not. Your present bill, however, does apply to any except native Canadians.

The CHAIRMAN. We have had quite a session to-day, and I for one think we have had about all we can digest. Would it be any trouble for you to continue your testimony Monday morning?

Mr. GULNACK. No, sir; not if you prefer it that way.

The CHAIRMAN. The committee will stand adjourned until 10.30 Monday morning.

(Whereupon at 5 o'clock p. m., the committee adjourned to meet at 10.30 o'clock a. m. Monday, March 10, 1924.)

## SELECTIVE IMMIGRATION LEGISLATION.

MONDAY, MARCH 10, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment, in the Immigration Committee room, the Capitol, at 10.30 o'clock a. m., Senator LeBaron B. Colt, presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, Harris, Harrison, and Copeland.

The CHAIRMAN. The committee will come to order. I have here a telegram from Robert De C. Ward, of Harvard University, which, without objection, will be inserted in the record.

(The telegram is as follows:)

CAMBRIDGE, MASS., *March 8, 1924.*

Senator LeBARON B. COLT,

*United States Senate, Washington, D. C.:*

As close student of immigration for 30 years, am satisfied that per cent limitation should be based on 1890 census. Proportion of immigrants of various nationalities would be about same as proportion of those nationalities in present population; 1890 census per cent would reduce feeble-minded inflow one-half at least. Immigration of unskilled labor would be greatly reduced to allow unlimited inflow of cheap labor. Would perpetuate permanent coolie class here. This impossible situation in democracy depending on homogeneous and intelligent citizens. No other single method could accomplish so much. Census of 1890 properly discriminates in favor of people now forming majority of our population. If 1910 census retained, per cent should be reduced and only near blood relatives of citizens at time of enactment should be admitted, and these within quotas most rigid. Consular certificates consistent with treaties should form part of law. Sentiment of country apart from certain thoroughly alien groups never more strongly for rigid limitation and careful selection. We need permanent legislation, not temporary extension of present law.

ROBERT DE C. WARD, *Harvard University.*

The CHAIRMAN. Mr. Rosenberg, I understand you were good enough to come here this morning, although you have an engagement in court, and you desire to take about 15 minutes?

Mr. ROSENBERG. Yes, sir.

The CHAIRMAN. As the testimony is to be taken down and printed, it will be available to the other members of the committee, and therefore you may proceed.

### STATEMENT OF MR. MAURICE D. ROSENBERG, ATTORNEY AT LAW, WASHINGTON, D. C.

Mr. ROSENBERG. Mr. Chairman and gentlemen of the committee, I have the honor of representing the Independent Order of B'Nai Brith, an organization with a membership of some 80,000 in this

country and some in Europe. The B'Nai Brith is composed of and one of its prerequisites for membership is that you must be affiliated with the Jewish Church. And while that is true, that being sectarian, and the order being sectarian in its membership, it is also true that it is nonsectarian in its scope and activities. And I am not betraying any of the secrets of the organization when I say that a part of the initiation requires allegiance to the Stars and Stripes.

I do not want my presence here to be misunderstood. While I represent that organization and another, we are here pleading for what we conceive to be for the best interest of America and Americans.

I also have the honor of representing the Union of American Hebrew Congregations, consisting of 269 reformed congregations, with an individual membership of some 45,000. So that my constituency, Mr. Chairman and gentlemen, is quite large, the membership in the two organizations being some 120,000, and averaging a small number—2, 3, or 4 to a family—it can readily be seen that it runs up to possibly three or four or in the neighborhood of possibly 500,000 people. They are all of the very highest type of American citizenship, and I desire to emphasize the fact that in both these organizations, composed as they are of American citizens, the question of religious affiliation plays no part whatever in the subject matter to which I am about to address myself.

Now, the Union of American Hebrew Congregations, I might say incidentally, has as its president Mr. Charles Shohl, of Cincinnati. There are five vice presidents, one being Mr. Julius Rosenwald, of Chicago; Mr. Ludwig Vogelstein, of New York; Mr. Marcus Rau, of Pittsburgh; and Mr. J. W. Bernheim, of Louisville. I mention these names because they may ring with familiarity to some of you gentlemen coming from various parts of the country.

Now, the first thing that appeals to me in representing these organizations and representing the large constituency which I represent here, Mr. Chairman and gentlemen, is that an attempt is being made by this Legislature and by both Houses to minimize the number of immigrants who may enter this country. I am very frank and very honest to say that to me thus far there has been no argument made that I have heard—and I have given it considerable thought and research—which should encourage a restriction of immigration. The opposite has appealed to me with a great deal of force. And I think I may be permitted, Mr. Chairman, to refer to the ringing words of yourself at the opening of this session on Saturday morning, that the assimilation of the foreigners within our country asserted itself with magnificent force at the time of the conscription and the draft period for this great war which we won. And I might also say incidentally, being a member of the bar of this district and of the Supreme Court, and having been a member of the legal advisory board charged with the duty of interrogating those applicants as to the draft, as Mr. Marshall stated on Saturday, I can echo his words so far as Washington and the District of Columbia is concerned, that there were a large number of aliens. Some of them had not been naturalized, yet very, very few—the number almost negligible—of those men desired to avail themselves of the exemption. No; they wanted to get into the fight the quickest way that they could. So that

the question of assimilating with Americans in this country, I submit, should give very little trouble.

I desire to make a denial as an American citizen, a native of this Capital, having lived here continuously and uninterruptedly all my life, that the American Government does not have the machinery to weed out the undesirables, if there are any. It does have it. Of course, there are some. We are all members of the human race. The frailties of humanity appeal to one and another. There are a few aliens who do misbehave and who get into trouble in this country, but I say we have the machinery to weed them out. And we will weed them out.

Now, gentlemen, I have not heard anything much more convincing than I heard Saturday, the gentleman from the South, Mr. S. H. Dever, who addressed you Saturday. Now, can there be anything stronger than denuding the agricultural interests, the agricultural industry of this country? I will not dwell any upon his testimony, because it is in the record, but I merely desired to make reference to it as a part of my own argument.

And again may I refer to the argument of the gentleman from Maine, Mr. James F. Gulnack, who said that a very large agricultural area in the State of Maine is idle because they did not have the people to work the agricultural districts.

There was also a gentleman here representing the taxpayers association of the city of New York, Dr. H. W. Berg, who spoke of the hardships in the city and State of New York growing out of the fact of the difficulty and the large cost of obtaining labor.

All those things, I submit, Mr. Chairman and gentlemen, militate against the policy that is here being invoked, namely, to limit and minimize immigration.

The CHAIRMAN. Mr. Rosenberg, conceding the force of what you say, practically how are you going to get farm labor? Do you mean by what you say to have no restriction or simply the old restrictive examination at the port of entry? Do you mean not to have a quota; to allow the immigrants to come in free?

Mr. ROSENBERG. No; I do not think we should go that far, Mr. Chairman.

The CHAIRMAN. Can you suggest any practical method that could be put into a statute to supply this very want of agriculture?

Mr. ROSENBERG. Yes; put it under the head of skilled labor and give a preference to that class of labor.

Now, I have heard both sides of the controversy—

The CHAIRMAN (interposing). Now, right there, Mr. Rosenberg, and I will not interrupt you further: Supposing you could give a preference to skilled labor within the quota. You see, we have the quota away down now.

Mr. ROSENBERG. That would help some, but I do not think, even with that limitation, it would supply the demand which was described before this committee.

The CHAIRMAN. Would you then delegate certain powers to some executive officer—perhaps to the Secretary of Labor and the Secretary of Commerce, or to a commission—in order that they might, as necessities required, admit skilled labor or unskilled labor?

Mr. ROSENBERG. I think that would be a very excellent plan, Mr. Chairman. I think there ought to be some form of elasticity.

The CHAIRMAN. You then run right into the proposition that Congress hesitates to delegate power to any executive or any commission. Congress has always retained control of immigration. I mean, you could not—and I think I speak advisedly—you could not adopt the Canadian method of a commission and have it elastic and have them bring in labor, and so forth, or suspend immigration. You see, we are confronted with conditions here, and we have to meet them as best we can.

Mr. ROSENBERG. Could it not be done this way, Mr. Chairman: Have a commission consisting of three Secretaries, the Secretary of Labor, the Secretary of Commerce, and the Secretary of one of the other departments, that when exigencies in this country required any additional labor, let them be the judges of the admission of that particular class.

The CHAIRMAN. I am thoroughly in sympathy with that method, but I am only one member of the committee.

Mr. ROSENBERG. But with your persuasive powers, Mr. Chairman, I hope it will be possible for you to bring in the balance of the members.

Senator WILLIS. Just so that the ideas of the committee may be fully aired here, I want to state that I am not in sympathy with that idea. But I might be if the witness can explain how three secretaries or a commission can work that out. You immediately would run into the question of the amount of labor; and immediately would come up also the subject as to the rate of wages, and it might be said that if higher wages were paid the men who are here would work in that industry. How are you going to do that practically?

Mr. ROSENBERG. That could be worked out. I am sure that the experts along that line could find a feasible plan. I have in mind now the Federal reserve system, which regulates the monetary system of the United States. And while that is detailed, and it is somewhat complex, I think I see how A, B, and C, men of capability, could be charged with the duty of ascertainment of the shortage of labor and supply that demand.

The CHAIRMAN. May I interrupt again for a question?

Mr. ROSENBERG. Certainly.

The CHAIRMAN. In Canada, if they want farm laborers in Alberta, what is done? They appoint agents that go over and engage farm laborers to come over here for that specific purpose.

Mr. ROSENBERG. Yes, sir.

The CHAIRMAN. And we have the contract labor law here.

Mr. ROSENBERG. Yes, sir.

The CHAIRMAN. You see, that is the way it works practically with Canada.

Mr. ROSENBERG. Well, I am not so sure that in the light of our other laws it would be so practical. But if we put whatever quota is fixed, and have under that quota a large number of applicants for admission into this country, the commission would admit those for the industries where it is conclusively shown they were required, and who would fit into work of that kind, and the commission should be the judge of that.

Now, I want to address myself to another part of this complex question. We are now operating under the law of 1917, and we do not want to forget that the censuses of the various years have rapidly grown. In 1880 it was 50,000,000 and some; in 1890 it was something over 60,000,000; in 1900 it was something over 76,000,000; in 1910 it was about 100,000,000; in 1920 it was 110,000,000 people. Those are the figures for continental United States.

Under the present law of a 3 per cent quota, in 1923 there were admitted into this country 327,803.

Now, we are overlooking the fact that there is also a class known as emigrant aliens, which is referred to in the report of the Commissioner General of Immigration to the Secretary of Labor. I am reading from page 12 of that report for 1923, and this is quite a long paragraph. I do not want to take too much of my own time to read the whole thing, but it starts out with this language [reading]:

The tendency of foreign-born to return to their home lands in large numbers is a phase of the immigration problem which has been widely discussed in recent years, and, although official records are not available prior to 1908, it is known from other sources that during the past 25 years approximately one-third of those who came sooner or later left the country.

Now, I think the proportion diminishes as it goes on. The numbers fluctuate, as conditions become attractive or less fortunate. Some of them go back. But let me take one-third, or one-fourth—and I am trying now to reach the thought that 3 per cent should be the minimum: I think it should exceed 3 per cent by a considerable. Now, taking the observations of the Commissioner General of Immigration, and lopping off one-third or one-fourth on the 1917 law would leave you net about a quarter of a million. We are not forgetting the fact, either, that in the natural course of events a great many die off. Let us say, to be liberal, 250,000 persons are admitted into this country under the present immigration law. Why, it is almost negligible, Mr. Chairman, with a population in continental United States in 1920 of 110,000,000 people. With such a population, what is 250,000 immigrants admitted into this country? It is less than one-fourth of 1 per cent. Now, if you multiply that by four, it would be nearer to the point where it would be just to the United States. Multiply it by four, and it would run something like a million.

Senator WILLIS. Do you think we should have a million immigrants a year?

Mr. ROSENBERG. That may be stretching it too far.

Senator WILLIS. Will you permit me another question?

Mr. ROSENBERG. Certainly.

Senator WILLIS. It is possible that those numbers are negligible for a certain year. But what is your thought about this, Mr. Rosenberg: If you go into the great industrial sections of Pennsylvania or Ohio—

Mr. ROSENBERG (interposing). Yes: I go into Ohio quite frequently, Senator.

Senator WILLIS. You go into the Mahoning Valley in Ohio, and you will find great areas where not a word of English is spoken; great areas which are as foreign as any section in Europe. If those numbers are negligible, what do you say as to whether that situation does not have dangerous tendencies, where there are many people

who are not Americanized, and where there is no opportunity for Americanization. How are you going to solve that problem? I admit it is good material on which to work.

Mr. ROSENBERG. I do not think the fact that they are not familiar with the English language should militate against them.

Senator WILLIS. You think the question of language is not important?

Mr. ROSENBERG. I do not, for this reason: It was uttered here on Saturday with a great deal of force. The children of these immigrants soon become Americanized. And in my position, occupying the position I do, representing the societies, you would be surprised at the requests that come to me for data for the purpose of Americanizing aliens. The schools are started for that purpose, and they are on the increase. There is a school here in Washington that is doing magnificent work along that line. Its purpose is to Americanize aliens. But the children of these aliens get into the schools. The children do not read the foreign language, but learn the English language very readily. And is it not better that the foreigner should read papers in his own language which he can understand 100 per cent, rather than having him in the time of advanced years try to learn a new language? It operates both ways.

Senator WILLIS. Take for example, the Monongahela Valley: is that more or less like the American stock as it was 50 years ago?

Mr. ROSENBERG. I could not answer that, Senator; I am not sufficiently familiar with it to answer that question.

Senator WILLIS. There is no doubt it is less like it was. I appreciate the great work that is being done by the schools, but if you permit a million a year to come in, you are getting in more aliens than you can possibly assimilate; you are getting them in faster than you can possibly assimilate them.

Mr. ROSENBERG. A million may be, perhaps, excessive.

The CHAIRMAN. Mr. Rosenberg, the immigration from northern and western Europe fell off to less than 200,000 a year in 1913-14.

Mr. ROSENBERG. Yes, sir.

The CHAIRMAN. In this connection I might say that the mortality among the foreign born here from northern and western Europe increased enormously in proportion to the arrivals. For example, the number of foreign-born Irish here in the decade from 1910 to 1920 decreased 314,922, and the number of foreign-born Germans decreased 590,662 in that decade. Just as soon as you admit only 200,000, or about that number, of these racial groups, the mortality of these foreign born who are here more than offsets the inflow. If we should continue this quota at 300,000 for 10 years, if you please, the foreign born would decrease from 10,000,000 down to 5,000,000 or 6,000,000, because we have an actual decrease now. We have it demonstrated with regard to northern and western Europe that the mortality here lessens the number of foreign born greatly.

Mr. ROSENBERG. Yes, sir.

The CHAIRMAN. And very soon you would have no foreign born, and only the children of the foreign born; that is, the native children of the foreign-born parents, and it would take a generation to eliminate them. I do not think that phase of it has been sufficiently considered, that is, where you have a small number the mortality among



the foreign born is great, and they are greatly decreased—the actual foreign born.

Mr. ROSENBERG. Well, that rather favors an expanded immigration, does it not, Mr. Chairman?

The CHAIRMAN. But it will not satisfy the Nordics.

Mr. ROSENBERG. Well, that is a very momentous question, as to what constitutes the Nordic race.

Well, I am not sure of it, but possibly it would be so great a jump from 2 or 3 per cent, which would net you two or three hundred thousand aliens, to run it up to a million—that may be too much of a jump to be healthy under present conditions.

But one thing I do contend, and that is to decrease this from 3 per cent to 2 per cent would be unwise: I do say, as an American citizen, that you would vastly impair the industrial conditions in this country, and would be doing, I take it, a great injustice to the balance of the United States. So if this committee does not see its way clear to increase the quota over and above the 1917 law, then certainly do not do what the Johnson bill in the House says, and do not do what the Watson bill in the Senate says, to cut it down from that low figure to even a lesser figure, namely, 2 per cent.

I have one more observation, Mr. Chairman, and that is the question of the census year upon which this quota is to be based. Of course, that was voted in this committee; and by a very small majority, if newspaper report is correct, the 1910 census prevailed by a few votes, I think, in this committee.

The CHAIRMAN. Seven to four.

Mr. ROSENBERG. Seven to four; one or two votes might have swung it the other way; and the thing is not settled yet, I take it. The number would result in such a vast discrimination one way or the other, that would it not be exceedingly dangerous? Would it not be exceedingly dangerous, if it is going to reduce the numbers that are coming from Greece, from Poland, from Czechoslovakia, and from Russia, if it reduced them from 75 per cent as against a large increase coming from northern and western Europe? Why, if I were a naturalized citizen of this country to-day, coming from one of those southeastern countries, I think I would have a right to feel that the national legislature had done me a great injustice. I am a good citizen, and why discriminate against me? Of course, a number of bad people come from all sections, but why not gauge it by the general rule?

Senator WILLIS. You are not in favor of reducing it, but rather in favor of increasing it; but if the committee or the Congress should feel there should be a reduction, you think it should be brought about by a reduction of the ratio, rather than basing it on some census?

Mr. ROSENBERG. Absolutely, Senator. Why go back and take some census for the quota? It is done for some reason; and the reason is very obvious. The reason is to cut off those from one section, and increase it from another. And if you do that, you do two things; it operates in two ways: It operates to reduce the number which would be admissible from one section; and it also operates to increase the number from another. In other words,

it operates to increase the number from one section and to reduce it from another.

Now, I am a native of this country; I am a native of this District of Columbia. My parents were immigrants. There is a family of six children, all of whom are doing fairly well. But if I were the fruit of my parents' marriage living in some foreign country, or a native of some European country, why should I be discriminated against?

So I say, there are a large number of highly respectable and good people who feel the same way. Mr. Louis Marshall made the same observation here on Saturday. So I say, you must take into consideration the large numbers to whom you will do an injustice.

Just one more observation, Mr. Chairman, and I am through. This Government does not desire to place itself in a position of imposing hardship on any human being, and as you know there is no department under this Government which portrays more hardship than the Immigration Department. The separation of husband and wife, or the separation of parents from children. I heard of a case the other day where a wife was about to be deported, and the husband was to be admitted. That husband jumped overboard and committed suicide, and it affected the Secretary of Labor to such an extent that he was considering, under the feelings of humanity, to admit both those people. I simply mention that, Mr. Chairman. I have many individual cases imposing great hardship. I simply give you those, Mr. Chairman, without details. Whatever percentage the quota, you could admit the relatives of those who either have become naturalized people, or who have taken out first papers; admit the wives and the minor children, and the parents of those people. Think of it! If I have selected this country as my home; I have become enamored with the grandeur of it; I have come here and ingratiated myself and established myself in America and I want to send for my wife; I want to send for my minor children; I want to send for my aged parents, and I come over to this side and the doors are closed and they say, "Thou shalt not enter."

Now, your present recommendation in this 2 per cent bill does give some advantage to that class. But they are within the 2 per cent quota. They may be preferred, but they may happen to be outside of the 2 per cent quota, and they are left out; they are lopped off. In other words, it would be a race of diligence to come within the quota, and if they did not come within the quota in the last minute, they would be left outside. That would impose a great hardship. That is a matter I do not want to be a party to. To meet that contingency, I think they should be admitted unlimited. I say if any alien comes to this country in an experimental stage in order to set himself up and become ingratiated with American principles and he has done so and goes so far as to have applied for citizenship, you should say to that man, "You are entitled to your wife and to your children and to your aged parents in your home, no matter how many come." The number might be large, but you have a man who has proven himself worthy. And it is undoubtedly true that the man who has his wife and children and family with him becomes a better citizen. And the children go into the schools and become absorbed with American principles before you know it.

I thank you, Mr. Chairman.

The CHAIRMAN. Now, Mr. Gulnack, I think you had nearly finished on Saturday?

Mr. GULNACK. Yes; if there are no questions, it will take me a very short time to finish.

The CHAIRMAN. You may proceed.

**ADDITIONAL STATEMENT OF MR. JAMES F. GULNACK, REPRESENTING THE STATE CHAMBER OF COMMERCE AND AGRICULTURE, BANGOR, ME.**

Mr. GULNACK. I suggested on Saturday an amendment which would admit farmers and farm laborers, irrespective of the quota and contract labor provisions. I mentioned the contract labor feature purposely, not because I have any criticism of the object sought through this law. I realize that abuses under our former system required some such law, and that the employers of labor, more than the labor unions, are responsible for it. I do believe that it was made too inclusive; that it has kept out and still does keep out some desirable people; that it makes liars out of others, and that with the numerical restriction there is little danger of repeating the former abuses.

In this connection, may I call your attention to four sections of the Reed bill?

Section 2, subdivision (f) reads [reading]:

No visa certificate shall be issued to an immigrant if facts are stated in his application, or in the papers submitted therewith, from which it appears that he is inadmissible to the United States under the immigration laws, nor shall such certificate be issued if the application fails to comply with the provisions of this act, etc.

Section 5, subdivision (d) reads [reading]:

In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws.

The application must be verified by oath. Section 19, subdivision (c) reads [reading]:

Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than \$10,000, or imprisoned not more than five years, or both.

Section 20 reads [reading]:

In any proceeding under the immigration laws the burden of proving the right of any individual to remain in the United States shall, as between him and the United States, be upon such individual.

Imagine what doors are here opened as regards contract laborers, when our law defines them as aliens, "who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, or, written or printed, express or implied to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers, printed, published or distributed in a foreign country; persons whose tickets or passage is paid for with the money

of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing classes."

How many now entering the country would not come under one of those exclusions? A letter from a brother to a brother urging him to come and assuring him of work constitutes a violation. A circular setting forth the advantages of Maine, her farming, her work in the woods, or at her summer hotels, if successful in attracting a Swede or any other foreigner, puts him in an excluded class. He must state in his application that he is not a member of any of the excluded classes before a visé certificate will be issued to him. Later some one accuses him of having come because of the circular. The burden of proof is on him, and a pretty heavy penalty is possible. You may say he would never receive the maximum penalty; but he does not know that. Your bill requires that he must know what the law is so far as excluded classes go. If he is the right kind this doubtless will keep him out, and if that is what the law desires, its object is accomplished; but a desirable citizen is lost and in this case the State of Maine is the real sufferer. In his place there may be admitted an anarchist or some other form of a Red. Our law will not keep him out, for he comes with criminal intent, and, of course, answers all questions satisfactorily.

I have often wondered just how much the contract labor law has been responsible for the change in the type of immigration during the past 30 years. That a smaller percentage of sturdy mechanics, of farmers, farmers, farm laborers, and common laborers of the older type have come during this period, statistics will prove. That lessened numbers of all classes have come from northern and western Europe, and more from southern and eastern Europe, statistics will likewise prove. It is not reasonable to suppose that fewer of the good, conservative, thrifty, reliable, home-loving and God-fearing people from both northern and southern Europe come when it is impossible for them to enter this country if they know where they are going, or what they are going to do, and are willing to tell the truth about it. When it is illegal for us to advertise that there is room and need here for stone masons, bricklayers, carpenters, farm hands, and so forth. Are not these just the kind we desire? What better assurance can they give us that they are not likely to become public charges? That a letter from a relative has and does debar them from entering can be seen by reading from page 30 of the printed hearings held by the Immigration Committee of the House of Representatives, the following [reading]:

Those debarred had in many cases received letters from relatives offering them positions as dressmakers, clerks, butchers, farm hands, and so forth. Such letters create a violation of the contract labor provisions of the immigration laws.

In regard to numerical restrictions, may I take the liberty of pleading with you against any modification of the present quota which may in any way lead to class differences or racial prejudices?

I read a statement made on the floor of the House a few days ago claiming that there existed a foreign born bloc. I do not believe such a bloc exists, but I do fear that one may be formed to counter the propaganda so rampant against the foreign born. When:

they are told, "We do not want any more like you among us." And I have heard pretty nearly those same words expressed here in the Capital City of the Nation.

When one considers that the foreign born and the children of the foreign-born living in the United States in 1920, numbered 36,715,938, or 34.8 per cent of our total population, there is need to fear any movement, backed by legislation, which in any way encourages racial suspicions and discriminations. As an American citizen, whose forefathers have lived here for many generations, I protest against any such movement and I brand as un-American the formation of any similar bloc, even though it be called an American bloc and its membership confined to only those born in this country.

The unrest so general throughout the country to-day, the lack of respect for and observance of its constituted laws, and order among the native-born, the weakening of confidence in the handling of affairs among the thinking people of the country, make the present a very unwise and perhaps an unsafe time to add anything to the flames of class prejudice and hatred. We have had a numerical restriction law for three years. This has been accepted in spite of the fact that any thoughtful person, who gives study to immigration, knows that selection, not restriction, is the proper, the sane, and the justifiable method to be used. Restriction at its best is only defensive and ineffective at that, while selection is constructive.

Please do not allow this country to state, through legislation, that we do not want any more foreigners to come and live and work among us, even though they be, as many of them are, our equals physically, mentally, and morally.

Do not make all your legislation just for the abuses and the undesirable. This element forms but a small percentage. Give some thought to the desirable ones, who comprise the great majority of our foreign born. There can be repeated throughout the United States the experience of Maine, where the coming of foreigners actually improved our native stock. At no time in the history of our country have we needed as we do to-day the example among us of a class of people who still believe in and have respect for work, the kind of work which made for us the wonderful country we have.

God forbid that we should stand up in public places and render thanks because we are not as they are!

Never did we need a spirit of tolerance as we need it to-day. That spirit made and kept this country. A lack of it is to be feared more than anything else. Our organization has for two years advocated the granting to responsible parties of applications to bring settlers into the agricultural districts of the country, irrespective of quotas. We have taken this up with agricultural and business organizations all over the northern part of this country. We traveled along the Pacific coast, talking with representatives of organizations, agricultural and business men's organizations, about this matter of immigration and advocating, among other things, the power to establish a commission, which commission shall have power to bring in, upon application, settlers into this country. I say to you, gentlemen, with hardly any exceptions, every community whose representatives we talked with approved of such an arrangement.

Among others, there was a conference held a short time ago in this city of Washington, called a conference of State agricultural commissioners. That conference had previously appointed an immigration committee. Its chairman was Mr. Felker, of New Hampshire, and Mr. Felker had written to every State commissioner and had received replies from all but 6; he had also written to every State farm bureau and had received replies from 30 of them—that is, from the directors of the farm bureaus—and they recommended and approved of the establishment of such a board, with power to allow agriculturists and helpers to come into this country. I believe you would find that the country generally would approve of such a measure. I can tell you positively there is a need for it. And, so far as the State of Maine is concerned, that old 100 per cent American State, we need it. The children of the State have gone and are going. There is not a State in the Union where they have stayed by the States as they have there, but they are leaving the work on the farms, and that poor old State of Maine is left with hardly enough people to carry on. If we could go into northern and western Europe and solicit, if you call it that—I do not call it that: I call it telling the story to this class of people who will stay upon the land—we can get agriculturists for our State.

We can not get them into cities. We have tried it. I have seen them come from the city of Boston and from New York by the carload, and they will not stay. When we try to do that, we are trying to put a square peg into a round hole. They do not fit. They are absolutely unfitted for the work and, as agriculturists, they are a crime to the industry and a curse to the State.

Now, if we can go to the north of Europe and have the opportunity of talking to people there, we can get a class that will be glad to come to the farms, and stay on the farms.

You talk about these groups that are settling in the cities. Why should they not settle in the cities, when the only publicity that is given to this country is about the good wages that are being paid in the cities. You are taking the boys and girls from the farms, as well as these aliens who come to the country.

The average age of people on the farms in the State of Maine is over 52. What it will be in a year I do not know.

Senator COPELAND. You mean the entire State?

Mr. GULNACK. Yes; for the entire State, it would average over 52 years. The children and young people are gone.

Now, what we want is some one who will buy some of our unproductive or abandoned land, or who will come as laborers to take up the work of agriculture when these people die off, or when they go to the city, as many of them would like to do.

Let me just relate this incident: The son of our milkman died recently; he was buried on Christmas Day. A few days later, when the milkman was delivering milk at our house, Mrs. Gulnack talked with him a few moments, and she said that she supposed it was heartrending to him to lose his boy. He said that it was not only heartrending, but backbreaking. He said that ever since the boy was taken he had tried to get somebody to help him with his work, but he could not get anybody who was suitable for that kind of work.

We as business men are committing crimes when we do not take hold of that situation and help to remedy it.

Senator COPELAND. Mr. Chairman, I am very much impressed by the logic and earnestness of this witness, and I would like to ask him, if he can not get the commission—I understand he favors a commission—but if he can not get the commission, whether he would accept an amendment to section 3 of the Reed bill excepting persons who have had real training in agriculture; or whether you would amend section 4 giving preference in the visa certificate to those who have had such training?

Mr. GULNACK. Senator, I believe either one would be a great advantage. I still believe in the amendment suggested Saturday. I would rather see a commission formed. It is immaterial where the authority is, as long as it is granted. The reason I would like to see it in the application is this—some of our labor union friends may not appreciate it—but I would like to see it in such shape that there would be as little abuse of it as possible. Do not allow anyone to go over there and tell the story, unless it is some one who has authority and is responsible; unless they are trying to bring them here for a good purpose. It would tend to keep them in the place where they bring them. Now, that was my thought in making that suggestion, so that we could avoid the abuses, because it is the abuses that have cursed our country. We have legislated to correct those abuses, and I have heard officials of the Immigration Department say repeatedly in regard to the immigration law, "We aim them at the undesirables, and we hit more desirables."

And I would hate to see any amendment that would allow more abuses. My object in coming here, Mr. Chairman, and stating my views—my own ancestry goes back, perhaps, as far as any of them; we are not representing any foreign-born class, and the only foreign class we have there are the people of Canadian birth. They are American born, as much as we are. There are some in Canada not much farther away than this Capital, and some of them nearer. That was my object in coming here, because I have heard and seen so much discredit thrown on those who come here, because the people who come were representing some particular class of which they were a member. I am not a member of any foreign class. My ancestors have been here at least for 150 years.

And so here is one section of the United States coming here and pleading with you with no background such as that. And if I had had the privilege and the time, I would have liked very much, as I said to you, Mr. Chairman, to have Mr. Payson Smith, Commissioner of Labor of the State of Massachusetts, a State that has more foreign born in it than any other State in the Union, to come here and tell you his experiences with the foreign born. I have talked with him by the hour about the subject, and he would have been willing to come here and gone on record on this matter.

I thank you, Mr. Chairman.

The CHAIRMAN. Mr. Wallace, we will hear you now.

**STATEMENT OF MR. EDGAR WALLACE, WASHINGTON, D. C., REPRESENTING THE AMERICAN FEDERATION OF LABOR.**

Mr. WALLACE. Mr. Chairman and gentlemen of the committee, the American Federation of Labor represents a fair cross section of the United States. It represents the mine workers, which are made up about 62 per cent of foreign born; it has under its jurisdiction the clothing workers, about 72 per cent of whose members are foreign born; it has within its jurisdiction the textile industry, at least 60 per cent of whose members are foreign born. Yet at the last convention of the American Federation of Labor, made up of representatives of those organizations which I have mentioned meeting together, voted for a resolution which requested the suspension of immigration for a term of years, with the exception of the dependent fireside relatives of aliens now here.

Senator HARRIS. Was that a unanimous vote?

Mr. WALLACE. That was a unanimous vote; there was no vote registered against it. Those are the men who represent many of the foreign born; but they are the foreign born now here. They are not interested in the potential immigrant who might come here, recognizing that it might mean accentuation of the situation we are now confronted with.

Why did the miners, representing 62 per cent foreigners, vote for the suspension of immigration? Because of the fact that they are working less than 50 per cent of the time during the year.

Why did representatives of the clothing workers vote for this resolution? For the same reason; they are working about 50 per cent of the time. The textile industry is working about 50 per cent of the time.

I have here before me a document entitled "Industrial Employment Information Bulletin" of the Department of Labor, and while I do not want to place this in the record—it is rather voluminous—I would like to call the attention of the committee to this document, released February 14, 1924, by the United States Department of Labor, containing general employment comment.

Senator COPELAND. What is the date of it?

Mr. WALLACE. February 14, 1924. In view of the fact that the gentleman who has just concluded, mentioning the need in Maine, I want to read this section [reading]:

Augusta: Cotton mills and shoe factories on part-time basis, with not enough employment in other lines to care for the surplus of workers. New tool plant furnishes work for a large number of men. It is expected that the cotton mills and shoe factories will resume operations on full time very soon. Building program keeps local tradesmen busy, with an adequate supply. Shortage of modern houses. Farm help plentiful.

This whole page deals with Maine.

Senator WILLIS. Where is that?

Mr. WALLACE. Maine.

Senator WILLIS. What place?

Mr. WALLACE. Augusta. All through this document you will find this statement, "farm help plentiful."

Now, that does not mean that just at the moment when certain farmers need an extra set of men that they will spring up in a



moment. But that is not an immigration question; that is a matter of properly allocating occasional workers, and occasional employments.

Mr. Chairman, we claim to represent certain racial groups, as well as others. We represent the men who are now here, and we have a better title to represent them than some, because we are delegated to represent them.

Gentlemen come here pleading for certain races, that certain races shall not be excluded, or for the rights of certain people to come to this country. For what purpose? The gentleman from New York, Doctor Berg, really stated the purpose; to cheapen the wages by replacement.

Now, because of the war the European market is in bad shape. It is not entirely obliterated, but it is injured. We could not have sold more goods abroad if we had had all of the people who might have come here under the law of 1917, estimated at possibly 1,500,000 a year, if it had not been for the 3 per cent law. We could not have sold any more, but we could have injured the home market; we could have smashed the home market. Why? The men who got work would have been forced to work under conditions that those newly-arrived immigrants would be willing to work for. That is the object, I believe, for most of these gentlemen coming here. To tell the actual facts, what they want is deflation.

Now, we have had a war, and the war is not yet paid for. During this war the country went overwhelmingly into debt, and we have to pay. If that debt is to be paid by deflated commodities, then that debt will be double, and it will be that much more difficult to pay.

Gentlemen come here professing to represent farming industries and wanting special clauses in the act that would permit the bringing in of agricultural laborers. Don't those gentlemen know that at least 90 per cent of the men who come from southern and eastern Europe can qualify as agricultural laborers? That they are agricultural laborers in their own country, and that if we made this provision in the law permitting agricultural laborers to come in in excess of the quota, we might as well discard our immigration law, with the exception of the qualifications under the law of 1917? Ninety per cent, at least, could come in under those exceptions. But would they stay on the farms? That is not our experience.

The gentlemen come here from the South asking that men be permitted to be brought into certain sections of the country to settle the land. What is their real intention? Who are these gentlemen? They have land to sell or land to rent.

Gentlemen, the last possession of the American producer, the last one to hold his property is the farmer. Do you want to destroy the American farmer, the American home owner, and replace him with a peasantry? For that is the object. A peasantry—land tillers, not landowners; men who will work for the great lords of the manor, if you will. That is the object. The difference between the American farmer and the English farmer and the European farmer is that up to date a majority of the American farmers own their land.

We are considering certain legislation; legislation to help the farmers, to do what? To produce greater quantities? Or is it rather to assist them in disposing of a surplus that they have raised? Does

that seem to indicate that there is any scarcity of farm labor in America. They are producing all we can consume, and then some. And the "then some"—the surplus—is making for the low price that is destroying their buying capacity, and that is destroying the ownership of the farms by the farmers; "embarrassing the farmers," let us put it in these words; the fact that they have produced a surplus. And what is the remedy suggested? That we bring in more farmers. That we give them more help. The American boy will work on the farm, statements to the contrary notwithstanding; he will work on the farm because he does not lose any caste. The American boy will work anywhere except in places where to work at any given industry would place him among an overwhelming majority of newly arrived immigrants of any kind. Is there any doubt of that? We have steel mills in this country, we have coal mines in this country worked solely by American workers. We have whole sections of the country, especially in the southern Appalachian Mountains, where the population is 100 per cent American, and has been from the beginning. Those people do their own work. They do all of their own work, and they are increasing in numbers about in the same proportion as the populations in States that are receiving the higher numbers of immigrant. They are doing their own work, and they are proud to do their own work. There is no disgrace about it.

I live in a little town in central Indiana, and the odd-job man will visit the banker, and the banker will visit the odd-job man. There is no ostracism of a man because he works. But if we should bring into that community a whole lot of people, newly arrived immigrants—and they took over that particular work, then the American boy might and no doubt would leave; he would go elsewhere.

Senator REED of Pennsylvania. That is what happened in Rome, was it not?

Mr. WALLACE. Exactly. The glory of Rome was its destruction: when they brought in the slave and made industry a slave's job, Rome deteriorated. People will say, "We want the white-collar jobs." There are not enough white-collar jobs to go around.

I want to tell you, gentlemen, the industrial workers of the United States have been almost exterminated. You don't have to hit a man with a club to kill him. If you make it impossible for him to work, make a drifter out of him, he will die out. In New England, and in other sections of the country, where the great textile mills existed, they thought they could get along with women only, paying those women a smaller salary than they paid the men. And so developed the "she" towns, about five women to one man. And the women lived and worked and became incapacitated or died and left no issue behind them. And then the mill owners were faced with a great labor crisis. It is remarkable! But they had exterminated those people. They had segregated the men from the women and then they were surprised that there were no workers. This is the only land in the world that has to have a breeding ground abroad for its workers. I claim it is not necessary, gentlemen.

The farmers of the country want special clauses in the law—so say some of their representatives. I would like to leave the entire

question to the vote of the farmers. I would like to take a referendum of the farmers, and I assure you that they would be 99 to 1 against bringing in the peasants of Europe to their farms. Could we keep them on the farm when we get them here? By what means? Shall we say we will bring in a lot of men and then we will allocate them here? We will allocate them there, and there they must stay? Why, it is over 60 years ago since the serf system was eliminated, even in Russia; about 60 years ago.

I have here, Mr. Furuseth has handed me the action of the Grange of last year [reading]:

The Grange favors immigration laws which will make for more loyal Americanism and better citizenship, and urges such modifications of the present laws as will accomplish this end. We favor the substitution of the census of 1890 for the census of 1910 as the basis for the percentage immigration law, should it be reenacted. We reiterate the previous action of the Grange asking for denial of permanent residence in the United States to aliens ineligible to citizenship.

Now, they are pretty fair representatives of the farmers, the Grange, and I have no doubt that as they organize and choose their representatives, those representatives will testify, even as on this occasion, what the Grange wants.

A gentleman came before the committee of the House; he represented the beet growers of Michigan. What he wanted was a method by which beet growers—men who had had some experience in growing beets—their women and children, could be admitted to work in the beet fields while wanted there. They could employ them there for six months in the year. They wanted those beet growers at places on the basis that Senator Copeland suggested; that is, that they should be admitted over and above the quota. They told us that they rented their beet fields out to the workers whom they had brought in, at the rate of \$23 per acre to attend for the six months. A man, his wife, and two children could attend to 30 acres. That would be \$690. And he could not get Americans to work at that, for some reason or another; I don't know why. And then he wanted the door left open so that he could bring in men to those beet fields, with their wives and children, and work them for six months, and still leave the door open so that after he had sent those whom he had away, he could still get more of the same kind.

Well, we are living in a country where they have a high tariff. To protect whom? The workers? They say the workers. Well, let us prove it. So if we are going to have a tariff to protect the product of the workers, let us not have a free trade in the workers themselves; let us really protect the workers.

Coming back to the gentleman from New York, he said that the builders, the men employed in the building trades, were getting excessive wages, and that if we brought in immigrants those immigrants would work cheaper. That is the idea all the time—replacement. But before the committee of the House considering the rental commission, appeared Mr. Harry Wardman, of this city, and he said that he could build thousands of houses—enough houses to supply all the demand in this city, if he could get accommodations in money from the banks at reasonable interest. He didn't say anything about the bricklayers. He could get bricklayers and build

the houses, and the plasterers; he could get along with them and build the houses, but what bothered him was the fact that he could not get money at reasonable rates. I don't think it is the people whom I represent that are stopping the development of industry in the country; I believe it is the people whom that gentleman represents that have a good deal to do with it.

The CHAIRMAN. Mr. Wallace, is the position of the American Federation of Labor one of suspension?

Mr. WALLACE. We would like to have as near suspension as possible. And for that reason, and no other reason—no racial reason.

The CHAIRMAN. Supposing that the quota were reduced to a very low number, so that you had numerical restriction. Then does the American Federation of Labor support any resolution to the effect that we should delegate to the Secretary of Labor the power to admit when the need calls for skilled or unskilled laborers? You are familiar with that recommendation?

Mr. WALLACE. Yes, I am. We object to any such power being placed in the hands of any man. I have a great deal of confidence in Mr. Davis, but we have no reason to know he will be the Secretary of Labor always.

The CHAIRMAN. I might say—I do not think it is any breach of confidence—that the Secretary of Labor informed me personally that provided the quota law was very low the American Federation of Labor would not object to having certain power lodged with him, under certain restrictions with respect to skilled and unskilled labor.

Mr. WALLACE. A certain power is lodged and has been lodged and is to-day lodged with the Secretary of Labor under certain amendments to the immigration law, that when skilled labor is required in this country, and if such labor can not be found in this country, then the Secretary of Labor shall have the power to bring in such labor under further restrictions.

Senator COPELAND. Has he ever made use of that?

Mr. WALLACE. To a small extent, Senator.

The CHAIRMAN. Did you agree to that suggestion, that when there was a want of labor he should have the power?

Mr. WALLACE. We did not agree to it; we submitted to it, and it was passed.

Senator COPELAND. I asked the gentleman from Maine two questions. I said: Suppose you can not get a commission—you know he was talking about a commission—

Mr. WALLACE (interposing). Yes, sir.

Senator COPELAND. Then would you prefer to have section 3 amended excepting from the quota agricultural labor, or whether section 4 should be amended, which would permit bringing in agricultural labor under the quota and be charged to the quota. How do you feel about that amendment to section 4?

Mr. WALLACE. The latter clause—it would be all right; but I believe it would be ineffective.

I want to say this, that the American farmer is the most efficient farmer for America. You take the Italian farmer or farmers from any section of Europe, they are really wonderful intensive farmers because of the fact that they had little land to till. And so they

have developed into wonderful intensive farmers. I was over there myself, and to-day they still work with the hoe. I saw them working with the hoe and carrying ground upon the terraces on the mountains and hills. I suppose some of you have seen that as well. They do very well with what they have. But the American farmer has to be a scientist and a fair mechanic. It is different from any other country in the world. A man who would be a good farm laborer in Europe is not necessarily a good farm laborer in this country, or farmer either.

Maine has been laying out of doors ever since I can remember, and before. The people have passed it by. I do not want to cast any reflections on Maine, but the fact is here is the statement that there are many farm laborers idle in Maine. This is in a Government document.

Senator WILLIS. Of what date?

Mr. WALLACE. February 14, 1924. Why not settle those men on the farms?

Senator COPELAND. Mr. Wallace, you know a Maine farm would not be a very comfortable place to go in February.

Mr. WALLACE. Well, they have plenty of idle labor. I was never in Maine.

The CHAIRMAN. Mr. Wallace, were those statistics made up by taking one locality in Maine?

Mr. WALLACE. No, sir; there are different localities mentioned in Maine. I would suggest that the committee get that pamphlet. It is full of information, and in every instance you find that there are at least enough workers, and in most instances a surplus of workers in the country.

Senator HARRIS. Does the Government report show any shortage of labor in the country?

Mr. WALLACE. It shows a surplus. There may be a few places where it does not. I have not gone over it all. I have examined it to some extent, but not all of it.

The CHAIRMAN. We will have copies of that supplied to the committee.

Mr. WALLACE. Let me suggest one more thing, Mr. Chairman. It has been suggested here that there be a colonization of farmers in the South. I want to call attention to a Senate document. It was a hearing in 1912, and on page 26 there is a statement. Mr. Brooks was giving evidence. He said [reading]:

A few years ago South Carolina established a State bureau of immigration, appropriated considerable money, and with a fund generously contributed to by certain cotton-mill men, real estate speculators, and others peculiarly interested, its commissioner of immigration went abroad and brought two cargoes of immigrants to South Carolina, distributing and finding places for each one of the 762 in various parts of the State. To make a long story short, on the 4th day of March, 1909, an act was approved abolishing the bureau of immigration and forbidding a State official "to attempt directly or indirectly to bring immigrants into the State of South Carolina."

The reason for it was that these men had scattered and left. There wasn't one left of those whom they had brought in. I doubt if there would be any aid to the South or to the North or to any other section of the country by bringing in immigrants, because the effect would only be a replacement of men already here; other men would have to leave because those men have come in.

Now, there are some objections we have to the present offered bill by Senator Reed, dealing with the seamen. We claim that the effect of this clause would be to eliminate American seamen from the sea; because it would be in the interest of the shipowners who, like other people, want the cheapest possible labor, to man their ships with sailors who could not land in the United States. And because that is the kind that would be most profitable to them, that is the kind they would hire.

Senator COPELAND. You are speaking now about——

Mr. WALLACE (interposing). The seaman clause. And if you will permit me, Mr. Chairman and gentlemen, Mr. Furuseth is so much more familiar with that than I am, that I will let it go by stating that the American Federation of Labor recognizes the danger, and that what Mr. Furuseth will state to the committee we are in full accord with.

Senator REED of Pennsylvania. In your judgment, would it be better to strike out all these clauses?

Mr. WALLACE. I think it would be better to strike them out than to let them remain.

Senator REED of Pennsylvania. Without the clauses in relation to seamen, is there any other objection on the part of the American Federation of Labor?

Mr. WALLACE. Mr. Chairman, if we prefer the 1890 census it is not because it excludes certain kind of men, certain countrymen, but because it is more exclusive of effectives, and we believe that it would be better. Neither do we think that these foreign groups would be injured if with the 1890 census the other provisions in the Johnson bill which permits families of aliens now here to come in outside of the quota and under certain conditions if they are residents or have become declarants, or are citizens. We claim that because in the last 20 years the overwhelming majority of the immigrants have come from eastern and southern Europe, and because the families of those from northern Europe are now here, as a general thing, there would be no discrimination against races. As a matter of fact, there would be more families come in from the south and from the east than would the workers from other sections of the country.

Senator COPELAND. It is very probable, Mr. Wallace, as I see it, that the Senate bill will be more restrictive than the House bill. Of course, this Senate bill makes provision, by giving preference to the fireside members of the families of aliens.

Mr. WALLACE. Within the quota.

Senator COPELAND. Within the quota.

Mr. WALLACE. Yes; and of the two, I think the Senate bill would be more restrictive of the aliens, counting numbers.

Senator WILLIS. Which one do you prefer?

Mr. WALLACE. I prefer the House bill, because it would bring in the families. I believe we can better support the families of the men now here if they were here than if they are abroad, and I believe also that it will be conceded that men become better citizens if they have their wives and families here.

Senator COPELAND. What is the attitude of the Italian group about that?

Mr. WALLACE. So far as we know they do not object to it.

The CHAIRMAN. Mr. Wallace, there are more than six and a half million of the southern and eastern European peoples here now, and more than five and a half millions of northern and western European peoples.

Mr. WALLACE. Yes, sir.

The CHAIRMAN. Now, if you are going to unite families, would you unite the families of the northern and western European peoples more than the families of the southern and eastern European peoples?

Mr. WALLACE. I pointed out that the northern and western are the older immigrants.

The CHAIRMAN. They are older.

Mr. WALLACE. The older immigration, and all of those who would bring their families in have already brought them. But the immigrants who have come within the last 10 years, there would be more of those.

The CHAIRMAN. There would be more of them?

Mr. WALLACE. Yes, sir.

The CHAIRMAN. There is no doubt about that.

Mr. WALLACE. That is what I say.

The CHAIRMAN. We thank you, Mr. Wallace, for your statement. The committee will now stand in recess until 2 o'clock this afternoon.

(Whereupon, at 12 o'clock m., the committee took a recess until 2 o'clock p. m. of the same day.)

#### AFTER RECESS.

The committee reconvened at 2 o'clock p. m., pursuant to the taking of recess.

The CHAIRMAN. Doctor Stella.

#### STATEMENT OF DR. ANTONIO STELLA, 214 EAST SIXTEENTH STREET, NEW YORK CITY, REPRESENTING THE ITALIAN CHAMBER OF COMMERCE IN NEW YORK.

Doctor STELLA. Mr. Chairman and gentlemen of the committee, I have asked the privilege of coming before the committee, first, to express the appreciation of the Italian Chamber of Commerce in New York, which I have the honor to-day to represent, for the stand taken by the United States Senate committee in voting the adoption of the 1910 census as a basis for computing the immigrant quota. We feel that this action alone has been sufficient to allay the fears and apprehension among the foreign born who thought they were discriminated against, and that this action by your committee has in a large measure automatically removed such fears.

The CHAIRMAN. You must remember, Doctor, that we are only the committee.

Doctor STELLA. I realize that. I should say for the moment—for the time being, at least.

I, as a physician interested in public-health problems, have been continually interested in the question of immigration from the

sanitary point of view, and lately my attention has been called to the many statements regarding the question of intelligence among the foreign born. Of course, you are familiar with all the publications on the subject, but I thought it would not be amiss and out of place here to review some of the charges that have been made against the Italians. You are all familiar with the publication called *The Analysis of America's Modern Melting Pot*, in which it has been stated, repeating the results of the Army intelligence tests, that Italians occupy a low grade of intelligence.

The CHAIRMAN. May I interrupt you?

Doctor STELLA. Yes.

The CHAIRMAN. You sent copies of your book, did you not, to several members of the committee?

Doctor STELLA. Yes; I did.

The CHAIRMAN. Might I ask you if you would send a copy to Senator Watson, who is very much interested in immigration? He has a bill here.

Doctor STELLA. Certainly.

Senator WATSON. Thank you.

Doctor STELLA. I wanted to refer to something that was not in the book and explain that the question which has been presented and is a part of the proposed legislation—to apply the intelligence test to arriving immigrants—in my mind would not be a selective policy, because it would exclude practically people who would be otherwise desirable, but would not be in a condition to answer the intelligence tests as to-day we understand them. It is well known that the intelligence tests applied to the Army can not be applied to the foreign-born groups in the cities or to those arriving from the other side for obvious reasons, and a point that I would like to make in this respect is—

The CHAIRMAN. Pardon me a moment. I do not quite understand you. The tests at the port of entry are very severe under the act of 1917—the general immigration law.

Doctor STELLA. Yes.

The CHAIRMAN. The selective tests at the port of arrival exclude, if enforced, every undesirable. Nobody could pass those tests that was not mentally, morally, and physically sound.

Doctor STELLA. Exactly.

The CHAIRMAN. Now, there is the law. I am not saying that it is enforced; that is, at the port of arrival.

Doctor STELLA. At the port of arrival. But we fear that the tests as they are applied to-day do not preclude the nondiscovery of insanity or the nondiscovery of any other mental condition. In that respect I thought that that provision of the law could be either amended or changed to the effect that other tests—what we call tests of doing rather than tests of thinking—should be made.

The CHAIRMAN. That is very pertinent.

Doctor STELLA. Now, leaving aside that question. One of the reasons why I came here was also to submit the suggestion, which has already been made by previous speakers this morning, that the immediate relatives of immigrants who have already—

The CHAIRMAN. Now, right on that first point—because I am interested in selection at the port of arrival and selection at the



source—now, you say that selection at the port of arrival under the 1917 statute is not sufficient to exclude those who might possibly become insane. Have you any practical amendment to suggest to the present law, 1917, with regard to the enforcement of the kind of selective tests that would prevent those who might become insane from entering?

Doctor STELLA. I would make the statement that it is an impossibility medically to foresee insanity that is bound to explode several years from the moment of examination, but one thing that would help immensely, more at the port of embarkation, would be the history of the family of every prospective immigrant. The history of the family would throw great light on some ascertained psychological facts, knowing, for instance, how much insanity is due to heredity, and that would be a very great step in the right direction, rather than the application of intelligence tests. The contention I make is that the degree of intelligence in an individual, no matter whether he is an illiterate or learned man, is no guaranty for the development of insanity at some time in that individual's life, and therefore the tests that are supposed to detect potential insanity are not sufficient along the lines that have been proposed.

I was asked to submit to the committee my suggestions to the effect that the admission of immediate relatives of immigrants who have already declared their intention of becoming American citizens should be made outside of the quota. We feel that if the 2 per cent quota is allowed and preference is given to the relatives, the number of actual immigrants that will come from the foreign countries affected by the provision would be very small indeed. We find that the provisions of the law in that case would make it almost impossible to have the relatives they wish to have here, and would retard the process of Americanization, which, on another line and in another part, the law would like to accelerate. We feel that an immigrant who is living alone in this country, and who is away from his wife or children or parents, will be apt to return or remain a foreign body in the community; while if he has with him his family, his desire to Americanize will be quickened and accelerated. It is for that chief purpose that this recommendation is submitted.

Medically, of course, there are many good reasons for this. Physicians can testify to the moral and physical ills that attend the presence of many men between the ages of 15 and 45, which is practically the bulk of the group of immigrants coming from southern and eastern Europe, in this country. When these men concentrate in large industrial centers, or in large cities like New York and Philadelphia, we know what is happening; and there is a great deal of misconception about the diseases—let us call them private diseases—that these men acquire. The charge has been made sometimes, considering the number of foreign born affected by those afflictions, that these men import those diseases into this country. As a matter of fact, they can not do it, even if they would want to do it, because the rigid examination at the ports of entry is so effective that no one, unless it is an exceptionally occult case, does escape. There is no question, on the other hand, that a great many of them that are resident aliens, who have been here for many years, away from their

wives, away from their homes, do acquire such afflictions, and in that respect the physical aspect of that problem is of great importance, not for the individuals themselves, but for the spread of the infection to the community where they live and to their offspring.

It is for these two main reasons that I suggest this. First, to accelerate and hasten the process of Americanization, which is universally wanted, in the provisions of the law, in the newcomers. We want them to assimilate. If they are deprived of the privilege of having their immediate relatives that fact is impossible. Then from the physical and moral point of view we feel it is a necessity for men that are separated from their families to have them with them.

Of course that privilege should be extended only to those who either have become American citizens with full papers, or those who have declared their intention.

**THE CHAIRMAN.** You would take that class out of the quota, then?

**DOCTOR STELLA.** I would ask permission to submit it. There are two reasons for doing that, because the real immigrants are those that come here to work. Those who come for brief visits, and go away after a short time should not be included. Take the opera singers of the Metropolitan Opera Co., they come and they go, sometimes several times a year. Mr. Gatti himself is counted over and over again. Each time he comes over he commits, so to speak, a sin against his own nationals because one less or two or three less Italian immigrants can come on that account. We feel that such recommendations as your committee can make should be to the effect that the already classified list of professional lecturers and artists should not be included in the quota, and the immediate relatives of immigrants themselves should also be excluded.

**SENATOR WILLIS.** Before you leave that, Doctor, if you will permit an interruption.

**DOCTOR STELLA.** Yes.

**SENATOR WILLIS.** You realize the difficulty with which the committee is confronted in this. Suppose we fix a certain quota here, and then start in to make exceptions. Immediately that leads to controversy and confusion, and the committee thought, therefore, that probably it would be wiser to fix a definite quota, make it large enough, whatever it ought to be, settle that, and then have all these admissions of real immigrants within the quota. We thought it would lead to better administration than it would be to say:

The quota is so much, but here are so many coming in outside of the quota.

You see what we are driving at.

**DOCTOR STELLA.** Yes.

**SENATOR WILLIS.** Now, would it meet, in your judgment, the conditions which you describe if preference were given in the issuance of the visé certificates and still have it within the quota? Would that or would it not?

**DOCTOR STELLA.** I don't think it would cover the whole proportion, because the percentage you have already voted on is too small to allow for such inclusions. If your percentage was more than 3 per cent, or whatever figure you might suggest, then you could consider the inclusion of the other visitors, let us so call them, or rather, groups that are not immigrants in the proper meaning of the word. But as it is, if you include the relatives, and they should be given pref-

erence according to the spirit of the law, and if you include these visitors and lecturers and artists, why the number of real immigrants, as I said before, those that mean to come here to work, would be really a very small fraction. While you have voted to adopt the 1910 census, probably it would be less than adopting the other census when you make a subtraction of all these other factors and elements that are not immigrants proper.

The CHAIRMAN. Doctor, we have had some testimony from the Commissioner of Immigration and from the Department of Labor as to the administrative features. They have to enforce the law.

Doctor STELLA. Certainly.

The CHAIRMAN. And they said, where you have so many of these exceptional classes like teachers and artists, that in the practical administration of the law it causes a great deal of dispute, and therefore it would be well to confine the exceptional classes to as few as is possible; not have so many of them. That administration feature undoubtedly made an impression upon the committee, in having the number as few as possible, so the tendency was to reduce them.

Doctor STELLA. I realize that it is so, and it must be admitted it is an expedient. It does not go exactly to the spirit of the law. In other words, there should be a real frankness in saying we admit 2 per cent on the basis of that census. If 2 per cent will be net 2 per cent. The only reason is to cover the percentage in the net figure, because between the immigrants that return annually and those that are coming in, grouped together with those that are returning for brief visits, the amount of immigrants would be very small indeed. The same objection I would submit regarding the rate of admission based on the number of naturalized immigrants. As I said, I would only allow the relatives of those who are either naturalized or who have expressed their desire to be so. On the other hand, in considering the so-called newer immigration, more than the number of naturalized is the rate of their naturalization that should be taken into account in drawing conclusions. Because it is evident that chronologically the newer immigration, that is the Italian, the Greek, the Polish, and Russian immigration in the last 20 years has not had time enough psychologically to become Americanized in the same number as the old stock immigration. Besides other reasons, there is the difficulty of language.

Personally I feel that to hasten the progress of Americanization without proper understanding of the principles and responsibilities involved in citizenship is quite a danger. In that respect I sympathize with those who are frightened by the prospect of assimilating too many foreigners. But if the Americanization process is a biological process and not a commercial expedient, then the desired effect is not obtained. In other words, compulsory and forceful and wholesale Americanization of the foreigners is a dangerous thing indeed, and no one can deny that. Of course, we do not know why this country should adopt this view. My own personal view is, of course, entirely different.

I only submit, if you have patience to listen, that this country could solve all the perplexing problems of immigration by adopting a double policy, one for permanent settlers and immigrants that want to become Americans, and one for temporary seasonal workers.

Before the war Italy used to send not less than thirty or forty thousand such workers to Germany and France. They are still going now to the devastated regions to help those countries get enough labor to do their work. These people after they have done their work return; they are engaged in seasonal occupations; they are birds of passage. There is a tremendous advantage in having those birds of passage, because they never create congestion, they never create unemployment as far as they are concerned; they fluctuate according to the laws of supply and demand. When there is no work they go back. They create no problem to the country to which they go. If they take money away in return for the money, they have been building the subways, digging ditches, and doing the great fundamental and basic work of the country.

No one can deny the fact that the great work of the last 30 years in the United States has been really performed by the immigrants from the southern and eastern European countries. It is very well to say, as I heard said this morning, that the American boy will do any kind of work. Yes, in time of war that was true, because war was war, and the psychology of the people was keyed up to that point to do anything. But to-day conditions are different. I remember hearing a contractor speak of the time that the Ashokan Dam was built, where 3,000 Italians were employed, and at the same time there was a long line of unemployed, what we call the bread line in New York, but they wouldn't do that work. Mr. Roosevelt was President at the time, and he had a very happy expression, as he always used to have, and he said:

Yes, we have a great many people who are unemployed, but those are the unemployable.

In other words, they do not want to work.

The contractor of the time, when he was reproached for employing so many foreigners, said:

Why, I am glad to get all you send me, but the natives will not work. They will not produce the work.

The hardihood and the resistance and the obedience and the patience of the people accustomed by centuries to that kind of work can not be improvised.

In other words, one thing is evident, even to the eyes of those who like to close their eyes to the truth, that there is a certain kind and a certain amount of work which this country needs that can not be performed by the natives. We find that even the children of the immigrants themselves will never do the work of their fathers. If the father is a common laborer, or a mason, or a carpenter, the boy will go to high school and to college and become either a clerk or a doctor or a lawyer. It is really remarkable to see how many young men of this generation do that. It is a matter of great pride for this country, it is the great power of this country that no one stays at the same level. There is no other country in the world, and probably never has been in the history of the world, where such an ascent has obtained.

Senator WILLIS. Doctor, I wonder if your investigations have led you into the foreign field. I just wonder whether this same situation that you have been describing so interestingly, this drift of the

children of the farmers into the cities obtains in other countries, for example, France or England or Italy?

Doctor STELLA. Well, I suppose each country has a different answer to give. France is chiefly a country of farmers. The real, great France, the economically strong France, is in the provinces, that is, in the rural districts.

The CHAIRMAN. Is it not a phase of industrial development, which, in the form of factories, always centers in large cities where the wages are high?

Doctor STELLA. Exactly. That is the rural exodus that started in England a century ago, and urbanization, as we call it—with all the urbanization evils—is going on just the same.

You have read a publication gotten out by the Department of Labor on the colony of Hammonton, a little settlement between Philadelphia and Atlantic City. It describes how a small nucleus of Italians gradually attracted more of their own people, and now that group of people is a prosperous one. They have bought farms there, and they have transformed a deserted land into a beautiful agricultural region. And in California they have done the same thing. Italians, as the gentleman said this morning, are known to be intensive farmers, and wherever they have gone they have actually redeemed from wastage productive land.

The American Federation of Labor should not feel that they represent all the American people. I have great respect for the American Federation of Labor, and for its leaders, and for the great benefits that from the point of view of health and short hours and high wages they have brought about, but they are apparently self-centered in their own interest, and it is a mistake to think that they do represent this country. There are other things besides the Federation of Labor, and there are other problems besides the question of amalgamation and assimilation. These terms scientifically have no meaning. The best races, the peoples that have given the greatest contributions to mankind, are those that have had an admixture of the best element of every other race.

A gentleman this morning, representing the labor unions, said that a great many of these immigrants will lower wages and lower the standards of living. Those are statements we hear all the time. But what are the facts? Before immigration started in large numbers the wages of the skilled American laborers were not sufficient to support their families, and child labor was the result of that. And since immigrants have come in large numbers there has been a steady increase in wages, regardless of the present wave of exaggerated prices. Now the unskilled laborer, the common laborer, the man who is willing to do the fundamental and basic work, does not take the place of the skilled worker, but pushes him upward. In other words, he moves the worker upward to higher levels. And it seems to me almost blindness on the part of the American Federation of Labor to oppose such importation of laborers, because they are just the ones who represent the base, so to speak, of the pyramid, and the skilled workers go higher and higher and get higher wages.

I believe the gentleman made a misstatement this morning when he said Rome fell on account of the slaves. I think that whoever has read Gibbon or Macauley knows that the trouble was at the top.

There was luxury, too much money, too much leisure, probably too many cabarets and jazz and too many perversions. That was the cause, but not the importation of manual labor.

You have been very patient in listening to me, and I will now close. I would be very glad to answer any questions that any of you wish to ask; otherwise I will not take any more of your time.

The CHAIRMAN. Thank you. We are glad to have heard from you, Doctor.

Mr. Furuseth, we will hear you now.

**STATEMENT OF ANDREW FURUSETH, PRESIDENT INTERNATIONAL SEAMEN'S UNION OF AMERICA.**

Senator WILLIS. Will you state your full name for the record?

Mr. FURUSETH. Andrew Furuseth, president International Seamen's Union of North America, 59 Beaver Street, San Francisco, Calif.; room 409 American Federation of Labor Building, Washington.

Mr. Chairman, I have come before you to speak of the seamen's side of this question, because the bill that you have got before you would, if enacted into law, repeal the seamen's act.

Senator WILLIS. Mr. Furuseth, which bill do you refer to?

Mr. FURUSETH. I am referring now to the Reed bill.

Senator WILLIS. Would the same observations apply to the Johnson bill?

Mr. FURUSETH. It originally did, but it does not do so now. Because the House committee took out of the Johnson bill the features that made it so.

Senator WILLIS. You are proposing to discuss now the Reed bill?

Mr. FURUSETH. Yes; I am going to discuss the Reed bill. But in order that you may have a background so as to really understand what I am saying about this question, it is necessary that, very shortly, I should give an explanation first of the reason for the passage of the seamen's act and the opposition there has been to it, and the efforts that have been made to repeal it. It will only take me a few minutes to do that. When I am through with that I shall deal with the bill exclusively.

Senator REED of Pennsylvania. May I say, Mr. Chairman, that the subcommittee had some doubt about these alien seamen provisions, and there is some question as to whether it is wise to include them at this time in any such bill as we have in mind. I hope Mr. Furuseth will tell us what he thinks about the question of omitting them entirely.

Mr. FURUSETH. Yes; I will tell you that, too.

The CHAIRMAN. Senator Reed, if we had a meeting of the subcommittee perhaps he could appear before the subcommittee and have us consider it.

Senator WILLIS. Well, I think he ought to make his statement here at the general hearing.

The CHAIRMAN. Very well.

Mr. FURUSETH. The seamen's act was passed for two reasons. One was to get the American to sea and the other was to make it possible to operate American vessels in competition with other vessels. If you so change the maritime law that the American would be will-

ing to go to sea, and then did not do anything with foreign vessels, the result would be to legislate America off the sea because of the differential in the cost of operation. So in order to get at the bottom of these matters the Congress at the time decided that it would pass the kind of bill that would bring the American to sea and make that legislation applicable to foreign vessels coming within the jurisdiction of the United States. By doing that we would equalize the wage cost based upon economic considerations that it is not now worth while taking up your time with. And the result has been that since the seamen's act was passed and got into operation the wages on foreign ships have substantially followed the upward trend in American vessels in just the same way as a cart follows the horse up hill if they are tied together. And when the wages were reduced here it was followed by a reduction in Europe, but we did the reducing first.

With reference to the Japanese, to whom the seamen's act was never applied, not because it could not be but because we advised the Japanese not to do it at the time—with reference to them, to whom it has never been applied, the result has been to raise the Japanese seamen's wages three times since the passage of the seamen's act, and while they are not near us yet they are gradually getting there, regardless of the fact that there has been no organization that has been assisting them.

Now, in the struggle for the seamen's act foreign nations and the shipowners of the United States stood together in an intense opposition. Protests came from practically every European country against the passage or enactment of the seamen's act. Practically all the commercial organizations in the United States resolute against the passage of the act. They all failed in preventing its passage by Congress. They then followed to the President with their protest. They failed there. Then they used their economic power to bring about a condition which they hoped would result in the repeal of the act before it was put into operation. They failed in that. When the war came they appealed to this country to suspend the act at least during the war. And I have seen a stack of communications from Governments that high [indicating] that contained nothing but appeals of that kind.

Senator WILLIS. To whom?

Mr. FURCETH. To our Government. It was answered in a letter that just covered one page of ordinary writing paper, and they again failed.

Then they began using the seamen's act to destroy the immigration and the exclusion system, and they have used that ever since for the purpose of developing a condition in the public mind that would force the repeal of the seamen's act.

Now, if they can bring about a condition in which the seaman will be held on board the vessel he is on in the ports of the United States they will have accomplished all that they want in the matter, because then they can come here with a crew that is signed on for \$5 to \$10 a month in the orient and take away passengers or freight in competition with an American vessel that pays \$40, \$50, or \$60 a month, and the differential in wage cost is too great to permit of business being carried on successfully in that way.

So that what is sought to be accomplished by the foreign and by those of the American shipowners that want it to be done is to bring about a condition under which they can hold the men on board the vessels in the ports.

The effort of the departments who are studying the violations of the immigration law is to find some way in which they can stop the coming of undesirables or the superfluous, whatever you like to call them, men into the United States in violation of the immigration law, and all that they could say was to put them under bonds. The present administration began putting them under bonds of \$500 in San Francisco. The legitimate, bona fide seaman, of course, can not put up any bond. He has not got the means himself, he has not got the friends to do it, and so that is out of the question. But anybody who wants to get in here in violation of the immigration laws can put up the bonds, and so they simply converted the \$500 bond into a \$500 head tax. They put up the bonds and vanish in the population. That was the history on the Pacific.

Now, the history of it on the Atlantic is that the men that tried to do the same thing on the Atlantic insist upon bonds. It was taken into court, and the courts decided that the Secretary of Labor had no power under the law to require any bonds from any seaman. It was so decided by first the district courts and then the court of appeals.

The Secretary, however, continued in his efforts, and he insisted upon bonds from vessels coming here that wanted to let their Chinese go. And he would not permit them to be landed. A writ of habeas corpus was taken out before Judge Hough in New York, and in a decision which is reported in this book here, American Maritime Cases, the judge held that the Secretary had no power to have any bond provided for, and he certainly had no power to make the vessel's into prisons, and promptly ordered the men released from the vessel and landed. And he used expressions in that decision that are stronger and more forceful than I have seen in any decision of a court yet.

Now, there remains but one thing, therefore, and that is to get legislation that will authorize the putting up of the regulations under which bonds may be put up. If that can be done, then the bona fide seamen will be held on board of the ship, because they can not put up any bonds, and the men who are coming here with the deliberate purpose to evade the immigration laws will come ashore. You will have, therefore, coming ashore the slaver, the smuggler, the man who is getting away from the police in other countries, etc. They all know how to furnish the bonds and to get ashore.

**THE CHAIRMAN.** Will you come to the specific provisions of the bill?

**MR. FURUSETH.** Now then, having gone through that I am now coming to specific parts of the bill.

**Senator WILLIS.** Before you pass from that point I want to suggest to the Chair that that is a very interesting decision that Mr. Furuseth has just referred to. It is not very long. I suggest that it be put into the record at this point.

**Senator REED** of Pennsylvania. We might put into the record at this place the syllabus of this case which gives the committee the exact decision.



The CHAIRMAN. Very well.

Senator REED of Pennsylvania. This is the case of United States ex rel. Chin Loy v. Henry C. Curran, Commissioner of Immigration.

United States District Court, Southern District of New York, September 24, 1923.

IMMIGRATION—CHINESE SEAMAN—BOND BEFORE LANDING—INTENT TO ABANDON CALLING.

1. The Secretary of Labor has no power under immigration act, 1917, section 32, to make regulations requiring a Chinese seaman to give bond in the amount of \$500 as a condition to his landing. United States ex rel. Lum Yung v. Stump (C. C. A. 4th Cir.), 1923, A. M. C. 886, followed but questioned.

2. Even though it be suspected that a Chinese seaman intends to abandon his calling when on shore, nevertheless he has the right to land without bond, and it is the duty of the Chinese exclusion bureau of the Department of Labor to obtain evidence thereafter in order to prove that he is no longer a seaman.

The habeas corpus before Circuit Judge Hough in the second circuit.

The CHAIRMAN. He is a good judge.

Mr. FURUSETH. The authorities ought not to be blamed for trying their best to close up the holes and the entrances, because they are so notorious, and there is so much money made out of it that something ought to be done. Here is a letter published in the Seattle Post-Intelligencer submitted in an investigation in Seattle and showing that a man in Hongkong offers \$1,000 for the right to make one trip as an interpreter on an American ship. [Handing same to the chairman.]

Senator REED of Pennsylvania. We will take your word for that, Mr. Furuseth.

Mr. FURUSETH. That is all right. But I think the letter is so interesting that you probably will want to put it in the record.

The CHAIRMAN. Well, it may be retained here. We will keep it without putting it in the record.

Mr. FURUSETH. I would like, Mr. Chairman, to get it back, because I have no copy of it.

The CHAIRMAN. You can get anything back that is here.

Mr. FURUSETH. On the 14th of August, 1922, 54 Chinese came into Seattle in violation of law on one single ship, the *President Jackson*. And you can not stop it as long as you carry that kind of a crew, because the men are brought on board, and with a very large crew it is perfectly in order for the officers to say that they do not know that they have got any extra men. That is what they said in the *President Jackson* case. They did not examine the men, they said. Of course, as a seaman I know that that is all fudge. They knew. But you could not prove that they knew it, because they had not taken a tally of the men, and if they were going to take a tally they would let the interpreter know, and the men would be stowed away while the tally was being taken.

Senator REED of Pennsylvania. Mr. Furuseth, to get to the point, because we have all got to go up to vote in a minute, isn't this your idea, that we should amend the law to provide that in case any ship reaches an American port having as a member of its crew a person who is ineligible for citizenship in the United States, that that person should be removed from the ship and deported by another vessel than the one that brought him?

Mr. FURUSETH. That is one of the ideas; yes, sir. Now, just one moment more. I want to call your attention to another letter that I want to give to you, to show how this thing is being done.

Senator REED of Pennsylvania. You are giving us evidence. We are willing to take your statement for it. We want suggestions as to how to meet it.

Mr. FURUSETH. If you are willing to take my statement for it now, and you do not need the evidence, all right, then I will go to the bill here.

In section 3 we have amongst those who are not immigrants, or who are to be excluded from being treated as immigrants, "a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman"—

Senator WILLIS. What line is that?

Mr. FURUSETH. That is on page 4, beginning on line 23 and ending on page 5, in line 3.

Senator REED of Pennsylvania. That same provision, I might say, occurs in the Johnson bill, in the Watson-Davis bill, and in this bill.

Mr. FURUSETH. Exactly. Now, then, we come to section 12. And under the "Maintenance of exempt status," on page 15, it is provided:

The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), or (5) of section 3 shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed including, when deemed necessary, the giving of bond with sufficient surety.

This is not simply a question of men who are racially or territorially excluded, and if it was that it would simply fill up all the vessels with nobody else. This puts it within the power of the Secretary to demand bonds from everybody. And, gentlemen, whenever he does segregate certain people and say that bonds shall be put up before they are permitted to land you may be absolutely sure that the vessels, outside of the great liners on the Atlantic where they could not carry that kind of men—they could not get passengers if they did—but outside of those vessels they will be manned by the men who are excluded and who can not land.

Senator REED of Pennsylvania. You catch the idea, that the vessel owner in order to keep his crew will ship nobody but ineligible, because this act will make his vessel a sort of jail, so to speak, while he is in port.

Mr. FURUSETH. Exactly. So I want first to ask you to strike the figure (5) out of this part of the bill.

Senator WILLIS. That is, all of those lines that you read there?

Mr. FURUSETH. It appears in section 12, line 22; strike out the figure "(5)" of section 3, which begins on line 24 of page 4 and goes to line 3 on page 5. I am asking you to strike out the figure "(5)" in line 22 on page 15, so as to deny to the Secretary or anybody else the right to say that bonds shall be put up before the man shall be permitted to come to shore.

Senator REED of Pennsylvania. In other words, you leave section 3 as it is but merely take away from the Secretary the power to regulate bond.

Mr. FURUSETH. That is all. Now, I come to section 16.

Senator WILLIS. We have got that right now: You suggest no change in section 3 at all?

Mr. FURUETH. Not in section 3; no change; no.

Senator WILLIS. No change at all?

Mr. FURUETH. No change at all.

Senator WILLIS. The only change you are now proposing is to strike out the (5) in section 12, line 22.

Mr. FURUETH. Yes.

I come now to section 16. What you have here in section 16 in the beginning is what is in the old law. That same thing caused a great deal of trouble in the courts, because here you are dealing with men excluded only, and there was always a question that arose in the minds of the judges as to what really was the policy. Now, what we are asking you to do is this, and it will close the gaps, leave bona fide seamen to come into the ports of the United States; it will keep out those who are not bona fide seamen; and it will put the burden upon the foreign ship, or the American ship, if she does the same thing—it will put the burden upon the ship; and there is where it should go, because they are violating the law anyway, and it would put no additional cost upon the United States. So that we deal, in the suggested substitute for sections 16 and 17, with it in this way:

First, we say that when a vessel comes into port no one shall be permitted to leave her until they have been examined. Now they have got to be examined anyway under the existing law as to their health. Coming from a foreign country, no one can leave her until they have been examined. And then we say that those who are not bona fide seamen shall be taken from the vessel and shall be deported, at the expense of the vessel that brings them, in some other vessel; and when you do that a couple of times the shipowner will see to it that he hasn't got any of that kind of people on board his ship. It costs too much to have them.

Now, as to the ascertainment of who is a bona fide seaman, that is an easy proposition. If a man is a grown man and he is in a boy's position on board of a ship, the suspicion is justified at once that he is not a bona fide seaman. If he is in a rating in work of which he has no knowledge, the same suspicion is justified. Such men, therefore, should be denied leaving the ship or visiting the shore. They should be more closely investigated; and if they are found not to be bona fide seamen, the vessel that has brought them has brought them in violation of our laws and in violation of the policy that this Government has established and is now trying to perfect, and they, being the guilty parties, ought to suffer the consequences, and the consequences ought not to be put upon the seaman who knows not what ports he is going to go to in the term of his employment. I might ship in Liverpool and go to South America, and then to such ports and places as the captain may direct, having no suspicion that I am going to the United States. But the vessel takes me here, and I am held on board the vessel like a jailbird. Why, no nation has ever been so cruel as that, and I am sure the United States will not be.

But aside from that I want to say to you that if you adopt any legislation under which the seaman is to be held on board of his vessel you will not only destroy the American possibility of assuming its proper share in the sea power but you will prevent absolutely the American from going to sea. Now that is the first proposition.

The second proposition that we have got to bring before you is that the vessel shall take away at least as many as she brings. Now, every nation has either a statutory law or some governmental regulations which have the force of law prescribing the minimum number of men that the vessel can leave the port with on the voyage that she is about to make. Every nation also gives to each shipowner the right to take as many more as he wants. What then happens? He takes, like a Greek vessel, 400 of a crew, comes here and drops 150 of them, and goes back with 250. Vessel after vessel of different nations has come here and left 50, 75, 100 men behind. And the owners of those ships knew it and knew that it was going to happen. On the Pacific the vessels came with 60, 70, 80, or 150 men in some of them, leaving from 5 to 50 Chinese behind them. And somebody collected \$1,000 a man for each of them.

Now, when we went to the collectors of the ports and complained that the vessels were going out short handed they pointed to the inspection certificate and said that the certificate shows that she has as many men as she is supposed to carry. Now, the certificate was issued based upon white men. She went to the Orient, and under section 20 of the law of 1884 she hired her crew there. Following the usual custom she put 50 or 75 per cent more men on and then dropped them in the ports of the United States, collecting the money for each man—somebody did—and then the vessel left with the number of men provided by the certificate, and we are standing there and can do nothing.

So what we are asking you is that they shall carry as many men away as they bring. If they do that, they will not add to the population of the United States at all.

Now, the query is: Will that be the proper thing to do? Why, we are only helping them to carry out their own laws. No nation can complain about that, because if the shipowner says it is needed for the safety of the vessel to have so many men going west from Europe, then surely going over the same waters east back to Europe he needs as many men for the safety of the vessel as he did coming this way.

And it is the same way with the vessels coming from the Orient. If a vessel comes from the Orient to the Pacific coast carrying a certain number of men, and that is in their judgment the necessary amount of men for safety, and she goes back over identically the same water, she surely needs as many going west as she did coming east.

And there can be no complaint about it, because the nations do those things, and I can call your attention to the fact that England makes a standard of number of men to be used on board of her own vessels according to the tonnage and size of the vessel, and she imposes that standard upon foreign vessels, and when there is complaint the port officer goes on board and holds the vessel until she has got the men.

Senator REED of Pennsylvania. Now, Mr. Furuseth, are not some of these suggestions that you are making already in the bill?

Mr. FURUSETH. No.

Senator REED of Pennsylvania. Well, first you suggest that she ought not to be allowed to land her crew until they have been examined.

Mr. FURUSETH. Yes.

Senator REED of Pennsylvania. That is in section 16, is it not?

Mr. FURUSETH. Yes.

Senator REED of Pennsylvania. All right.

Mr. FURUSETH. But this goes much further; it prevents them from landing after they have been examined. It says here at the bottom of page 22 and the top of page 23:

(b) The immigration officer in charge at any port may cause the examination of the crew of any vessel about to depart therefrom, for the purpose of determining what, if any, changes have been made in the membership of said crew while the vessel was in port.

Well, there will not be any changes in her crew if there are any bonds to be put up, to begin with. [Continuing reading on page 23:]

The collector of the port shall upon the request of such immigration official in charge refuse clearance until advised by such immigration official that such examination has been completed.

It does not say here that the vessel shall carry away as many as she brings. And when the question was asked of the representatives of the shipowners the only answer they had to it was, "Well, we can not get them."

Now that is all fudge, if you will permit me to use such a street expression. They can not get them at the price that they are willing to pay for them. They can not get efficient seamen under certain conditions, no, and they go into the cesspools and the slums of the cities and pick up anybody that they can find and put on board of the vessel. Of course, he is going to quit when he comes to the other side. Of course, he is no good on board of the ship.

Senator REED of Pennsylvania. Well, now, let us get down to brass tacks here. Let me ask you a question about this section as it stands. At the beginning of section 16 there is a clear provision that no alien seaman shall be permitted to land except temporarily for medical treatment or pursuant to regulations prescribed by the Secretary of Labor.

Mr. FURUSETH. Yes.

Senator REED of Pennsylvania. That gives the Secretary of Labor power to prescribe the terms on which he will land them.

Mr. FURUSETH. Yes; but not including bonds.

Senator REED of Pennsylvania. All right. Section 17 puts a penalty on any ship owner or master who fails to detain his crew until the immigration officer has inspected them.

Mr. FURUSETH. Yes.

Senator REED of Pennsylvania. Or who fails to detain any or to deport any that the immigration officer designates as ineligible for admission.

Mr. FURUSETH. Now the deporting there, of course, will be done in the same ship, Senator.

Senator REED of Pennsylvania. It does not say so.

Mr. FURUSETH. Oh, well, but that goes without saying; unless you provide that it shall be done otherwise than in the same ship it will be in the same ship, and even if you take it to court, that has been the policy before, and the Supreme Court will say, as it said in regard to section 11 of the seamen's act: "It may be that the Congress had that in mind, but it has not said so."

Senator REED of Pennsylvania. Very good. Then if we would insert there after the words "to deport such seamen" in line 9 on page 22, "in the same or in another vessel, as may be required," that would meet one of your suggestions, would it?

Mr. FURUSETH. No; as long as you use the words "in the same" it would not. Because the pressure that would be brought upon the immigration department would be too great for any mere human being to stand.

Senator REED of Pennsylvania. Well then, you would insert, "in a vessel other than the one in which he was brought"?

Mr. FURUSETH. "And at the expense of the vessel that brought him."

Senator REED of Pennsylvania. Then if that insertion were made at that point that would meet one suggestion, would it?

Mr. FURUSETH. That would meet one suggestion.

Senator REED of Pennsylvania. All right. Come down to clause (b) where we provide for an inspection of vessels that are asking clearance. Up to the present time there has been no power in the immigration officers to inspect departing vessels, and it was the idea of the subcommittee that wrote this section to grant the power of inspecting outgoing vessels.

Mr. FURUSETH. Yes.

Senator REED of Pennsylvania. Now, if we were to add after the first sentence there that every outgoing vessel should carry as many members of her crew as she brought in?

Mr. FURUSETH. "In her grade," because she might legitimately come here with Japanese, and she might not be able to get Japanese to go out again, or she might come here with Greeks, and she might not be able to get them. And we do not want to put any unendurable or improper hardships on the vessels.

Senator REED of Pennsylvania. All right. But if we require the same number of aliens—

Mr. FURUSETH. Put at least the same number that she brought.

Senator REED of Pennsylvania. Then that would meet the second one?

Mr. FURUSETH. Then that would meet the second one, yes.

Senator REED of Pennsylvania. So that this is not all bad?

Mr. FURUSETH. No; it is not all bad.

Senator REED of Pennsylvania. Merely that there are a couple of changes that can be made.

Mr. FURUSETH. It is not all bad, but I have already submitted the substitute, as you know, to you, and it is drawn with such extreme care and guarded so carefully not to do any injustice to either the vessels or the men, that I hope you will seriously consider it.

Now the further proposition, if a vessel comes here with any men that are territorially or racially excluded from the United States, she brings them into the harbors of the United States, it ought not to be permitted except in two instances. If the vessel comes here in distress her crew should not be interfered with, because it would be an inhumanity, or it would lead to inhumanity. So that a vessel coming here in distress can come here with anybody that she has. She can not choose her port, and she is not guilty, and therefore should not be penalized, and so on.

Then the second is that no vessel shall be permitted to bring excluded persons here except vessels of which those are the particular nationals. So that a Japanese vessel may bring a Japanese crew, but no Chinese. An English vessel may bring any kind of men who are not excluded, but not Chinese or Hindus, because they are excluded.

Senator REED of Pennsylvania. That would exclude Lascars then?

Mr. FURUSETH. That would exclude Lascars, certainly. The substitute is so drawn that it will do it and do it effectively.

Now, when a vessel comes in in that way the immigration officer goes on board and he finds excluded people there, he promptly takes charge of them, and at the expense of the vessel who brought them ships them back whence they came, or to their own country.

I do not think it will do to say that this is liable to get us into trouble with foreign nations. We are insisting upon nothing but the carrying out of our immigration law, and they have no more right to bring excluded persons within the jurisdiction of the United States unless they come in their own vessels, than they have a right to bring anything else that is excluded. And under this proposition now, as I lay it before you the result is going to be that you may get a few extra Japanese here, but it will not be many—at the worst, I mean. China has no merchant fleet of her own under her flag. Java, Sumatra, the Bornean Archipelago, or the colonies of Great Britain outside of Australia and Canada have no merchant fleet of their own under their own flag.

So as the result of the way it is drawn they can bring anybody here who is not racially or territorially excluded, and you do not bother the vessel with any passports or anything else. The kind of a crew she has is in her crew list and on her articles. There necessarily must be in her crew list and that is provided for in the immigration law as it stands now, each nationality, and so forth, and allegiance of everybody on board of the ship. So that it is an easy matter in examination of the ship to come to an understanding as to what men the vessel is not permitted to retain. Those she is not permitted to retain will be taken from her, and at her expense, sent away.

Senator REED of Pennsylvania. Do Robert Dollar boats still fly the Chinese flag?

Mr. FURUSETH. No.

Senator REED of Pennsylvania. They did for a while, did they not?

Mr. FURUSETH. No; they carry English flags. No; no Chinese flags. They carry English flags.

Senator REED of Pennsylvania. For a long time they carried Chinese flags.

Mr. FURUSETH. One or two of his vessels carried Chinese flags. There isn't anybody very anxious to carry the Chinese flag now.

Senator REED of Pennsylvania. Mr. Furuseth, I was out in China in 1914, and Mr. Robert Dollar himself told me that he was putting his whole fleet under the Chinese flag.

Mr. FURUSETH. Yes; but he did not. He told the House committee, too, that he was going to put them under the American flag, but he only did that after the battle in which the small English fleet off the coast of Peru was sunk by the Germans. Then, in a hurry,

he put two of his vessels under the American flag for protection, leaving three others under the English flag. Shortly thereafter there was another battle at the Falkland Islands, and there was no more danger from German raiders, and Mr. Dollar, with his usual patriotism, promptly held the vessels where they were.

Now, I want to say to you that at the present time there are between 50 and 60 Chinamen imported directly from China in the port of New York for the purpose of joining one of the vessels that Robert Dollar has bought from the United States Government. They are not seamen within the law, because no one can be a seaman on an American ship unless he has signed the articles on her, and no articles are of any value until the master signs them first. So these men are simply imported here, contract laborers, and they are here, and they are going to be put on board, and this is the fourth batch of men of this description. If he wants a Chinaman particularly he can find him in New York. He and others have brought so many to New York there is a whole colony there. He could get them there. But that is not what he wants. He wants Chinamen at Chinese wages.

Now, I hope that you gentlemen will watch this substitute. It is a substitute for sections 16 and 17. If you will put that in, and then keep the landing card so that the man who is examined and found entitled to land may have some evidence that he is so entitled and therefore can not be held on board of the vessel against his will by the officers of the vessel, as they sometimes now do with the Japanese. If that is done you will leave the seamen's act intact, you will close the difficulties and holes in the immigration system, you will make these two statutes dovetail with each other and perfect each other, and you will do it without any expense to the United States.

Thank you.

The CHAIRMAN. We will hear from you now, Mr. Emery.

**STATEMENT OF JAMES A. EMERY, ESQ., GENERAL COUNSEL OF THE NATIONAL ASSOCIATION OF MANUFACTURERS, WASHINGTON, D. C.**

Mr. EMERY. James A. Emery, counsel of the National Association of Manufacturers of the United States, and some 38 State associations of manufacturers, a list of which I will file with the committee, Mr. Chairman. There are a little more than 40,000 manufacturers in these associations; between 40,000 and 45,000, as near as we can estimate it.

The committee on immigration of the national association consists of the following, Mr. Chairman: C. S. Ching, United States Rubber Co., chairman; W. R. Carnegie, Berry Bros (Inc.), Detroit, Mich.; William D. Disston, Henry Disston & Son, Philadelphia; Charles D. Eckman, Eckman Furniture Co., Jamestown, N. Y.; John C. Haswell, Dayton Malleable Iron Co., Dayton, Ohio; S. D. Weil, Arco Co., Cleveland, Ohio; James A. Emery, counsel.

I regret very much, Mr. Chairman, that, doubtless due to my own misinformation, three of the members of the committee who were here Saturday had made business engagements which made it impossible to stay to-day, being under the belief that the committee



would conclude its hearings on Saturday; so I regret that they are not here, and I must speak alone on their behalf.

The CHAIRMAN. I think, Mr. Emery, you are well able to present the whole case, from my experience.

Mr. EMERY. I thank you, Mr. Chairman. I wish I shared that confidence.

The committee has very naturally approached this tremendous problem of immigration with the background of a lifetime of experience in the manufacturing industry, but it submits anything it has to say to you merely from the point of view of the citizen, with that kind of experience behind him, and expecting it to be tested solely by the standard of the national interest. I may say we are much more concerned, Mr. Chairman, about the quality of the citizenship of the future than we are about the immediate quantity of labor that is available for the industry of the Nation. We have endeavored to take advantage of all the information that has been assembled by a staff dealing with this subject for a number of years, of the experience of administrators in the service of the Government, of the particular experience of particular manufacturers, many of whom have had an unusual body of experience in dealing with alien employees, and finally we have had the advantage of the very informing and instructive studies of the National Industrial Conference Board, which Mr. Henning, the Assistant Secretary of Labor, who attended the immigration conference called in New York, praised in high terms as a valuable contribution to the study of the subject. We have to present to you, with your indulgence for a moment, Mr. Chairman, just a background from which our examination proceeds.

The United States is producing 54 per cent of the world's iron, and utilizing 53 per cent; it is producing 64 per cent of the world's steel, and using 57 per cent; 49 per cent of the world's copper, and utilizing 44 per cent; 69 per cent of the cotton of the world, and utilizing 37 per cent; 52 per cent of the world's timber, and utilizing 51 per cent; 64 per cent of the petroleum, and using 72 per cent; 43 per cent of the world's coal is employed in carrying forward these industries and in the system of transportation, and we use 42 per cent of that.

We have about 35 per cent of the world's railroad mileage, but only about 6 per cent of the world's population. We are an underhoused, underdeveloped, underpopulated country. We could put the present population of Germany and France into the State of Texas and the density of population would not then be equal to Italy.

Senator KING. Think of the future and the fecundity of the American people.

Mr. EMERY. Well, the annual addition by population through birth in the United States is about 1,100,000. About two-fifths of those enter into gainful occupations from 15 to 18 years after they are born, after allowing for losses by death and other causes; that alone would give us an annual addition of about 448,000 to the gainfully employed population of the United States, while the average annual absorption into the industries of the United States since 1910 has been in excess of 627,000, and in the manufacturing industries alone has been in the neighborhood of 330,000 in the last years.

Senator REED of Pennsylvania. In your judgment is it a desirable condition of affairs that the United States should be fully developed at once?

Mr. EMERY. I would not say that, Senator, but I should say that it should be responsive to the demands of its people for consumable goods and services.

Senator REED of Pennsylvania. But you have just given us statistics which indicate that it produces more than it consumes of all these products.

Mr. EMERY. Yes, sir; in many particulars. It has been said here in connection with this subject—I am just presenting the background for the moment—that we would increase our utilization of labor-saving machinery, if we stopped our immigration altogether, that we would vastly increase our development in that direction. Of course it is an historical fact that our very large immigration in the past has been accompanied by the most extraordinary development of labor-saving devices in the history of the world. It was well illustrated in a single industry by Mr. Julius Barnes in a recent address in Philadelphia, when he said taking the steel industry alone that—

In blast furnace operation, 1 or 2 men replace 10 or 20 unloading by hand. A pig-iron casting machine with 7 men replaces 60. In open-hearth operation a charging machine with 1 operator replaces 40 hand chargers. A traveling crane with 12 men hauling replaces 37. An electric crane with 2 men unloading pig iron replaces 128.

Automobile production: Now we come to the result of the employment of these things, and of utilizing our capacity to multiply the labor of the human hand with the forces at our disposal and the administrative and executive ability and foresight to direct it. In the automobile industry, for example, 15 years ago one man produced one and one-half cars annually. To-day he produces nine and one-half annually. Despite the agricultural situation complained of, 300 bushels of wheat, we are informed, will now buy a standard car which in 1913 required 750 for its purchase. So that wherever there is competition in production and in employment in the industries of the United States there has been a steady advance in multiplying the power of production, which is only another phrase for an increase in social power or the control of man over the forces of nature in the daily contest in which he engages for the material improvement of civilization. Where that competition does not exist in an industry a different consequence results, despite the multiplicity of devices.

In the bituminous field, for example, which is competitive, the daily output per worker has increased in 30 years from  $2\frac{1}{2}$  to  $4\frac{1}{2}$  tons per man daily. In the anthracite field, which is wholly unionized, it has fallen per man in the past 10 years. Thus speaks the National Coal Commission. Again, the national income has increased from \$12,000,000,000 in 1890 to \$60,000,000,000 in 1920. And product thing of all, of the net value of products of mines, factories, and land transportation, the wage earners in the period from 1909 to 1915 received from 68.7 per cent to 73.8 per cent, the net value of that product; in 1918 it became 77.3 per cent, and in 1919 was estimated at about 80 per cent. These figures I take from

the report of the National Bureau of Economic Research, an entirely impartial body.

Now I do not present this suggestion, Mr. Chairman, for the moment to indicate what this country needs is a great inflow of immigration. The immigration problem as it is approached in all the legislation that pends before this committee, as I see it, has as its base three substantial divisions of thought. One is the complete suspension of immigration for from 6 years without exception, as is proposed by one resolution before your committee, to as much as 10 years.

Or, secondly, by a quota which is an arbitrary percentage determined by reference to a fixed census base, and predicated upon the number of nationals who are to be numerically limited among otherwise admissible aliens in terms of their nationals resident in the United States.

Or the third proposition would be to undertake to set up the machinery by which to determine the economic requirement of the United States and the assimilability of the alien contributions to the United States, or the capacity to absorb foreign populations.

Now the view of our committee is that to prohibit immigration would be to ignore the very important economic fact with which we are confronted, that immigration has not only throughout our history supplemented our native labor supply, but it is apparently required if we are to carry forward the work which are now doing in response to the public demand for consumable goods and services.

SENATOR KING. I think the action of this committee negated the thought that there was any idea to prohibit immigration. I would not waste much time on that.

MR. EMERY. Very well; that is only the one alternative. Then there is only one of two left. That the basis shall be an arbitrary quota which fixes in terms of an inflexible percentage the number who may be admitted in any year. Or, as I say, you can undertake to determine that quota by an inquiry into the economic requirements and assimilating capacity of the United States. A joint fact. You are predicated your entire legislative proposals upon the act of 1917, which, of course, is a selective immigration act, but which does not numerically limit the number of alien persons otherwise admissible into the United States.

THE CHAIRMAN. Is that result obtainable in any other way except as Canada has obtained it, through a commission or board?

MR. EMERY. You mean the last result?

THE CHAIRMAN. I mean the last result.

MR. EMERY. I don't think it is obtainable, Mr. Chairman, except through a system of flexible administration.

THE CHAIRMAN. Well, that can not be done by statute, can it?

MR. EMERY. It can. That is, you can provide for the creation of the administrative body.

THE CHAIRMAN. Well, I mean, does it not necessarily lead to a commission which would have the power to regulate immigration according to economic needs?

MR. EMERY. Well, that might be an extreme statement of it, Mr. Chairman. What I would assume it would be, would be precisely the application of the principle which Congress reposes in other ad-

ministrative bodies where it finds it necessary to lay down a rule of action and to have that rule of action applied to ascertained facts.

The CHAIRMAN. Does it involve the delegation of power to a commission?

Mr. EMERY. It involves the determination of facts, but it would require that Congress should fix standards which were to be applied to those facts and the rule and, if you please, the maximum number to be admitted during any given time, but within those limits it would carry forward contemporaneously or concurrently any legislation which provided an inquiry into the economic requirements of the United States in cooperation with the States of the Union.

Now, I submit to the committee that very many of the difficulties with which we are confronted to-day in the immigration problem are due to the national neglect over a great period of years of any endeavor to ascertain what becomes of our aliens after they arrive in the United States. We have neither undertaken their registration for the purpose of identification and instruction or distribution by intelligent persuasion, nor have we undertaken any systematic method of instruction in our language, customs, traditions, law, or mode of thought. That has been left substantially to private hands or to the operation of the State systems of education. The National Government examined the alien at Ellis Island, a national obligation, and discharged him upon the streets of New York to become a municipal problem.

So it is worth considering, is it not, Mr. Chairman, whether or not the United States will undertake at any stage of this problem to set up a means of undertaking to systematically obtain in cooperation with the States and the private life within those States current information with respect to the character of the immigration, if any, which they desire, and then undertake to compile and analyze this information. I say that is one of two alternatives.

The other alternative with which you are confronted is the quota system, which is an arbitrary determination of the number which shall come in—a guess, if you please—while the other system undertakes to approximate through the ascertainment of all the facts with regard both to the economic requirement, on the one hand, and the assimilability or absorbing capacity of the country or the States, on the other.

Now, if the limitation as to maximums is put on, the national interest, so far as it has to be protected against an undue entrance into the United States of alien numbers, is kept within control, but at least at the same time in the study of the problem you have set up the means of undertaking to assemble the facts, which the Government does possess to-day.

The first thing that one is confronted with, Mr. Chairman, as he enters upon the study of this problem is the circumstance that many of the most important factors of it are subject of dispute between sincere people, between members of this committee, between members of both Houses, between various classes of our population, and I am speaking now quite apart from any expressions that arise out of racial feeling or group interest. And perhaps in that the alien is not entirely to blame, because he has seen our own native population divide itself very consistently into groups and factions and blocs in

the assertion of its own particular interests against the majority of the community. So that he may be partially excusable in that respect by reason of the example we have set.

To-day the committee, as I understand it, and the Congress are entering upon a phase of this problem to be legislatively considered quite different from that which confronted it in the emergency legislation of 1919 and its extension. Then you undertook to determine a temporary means of meeting a threatened crisis. Now you are undertaking to determine a permanent immigration policy for the United States. And that is a very different problem.

Senator KING. Well, do I understand, if you will pardon the interruption, that you commit yourself and your organization to the proposition that the best system would be provided by fixing the maximum number to be permitted to enter the United States each year, with general requirements as to admissibility, some such as we have at the present time, and then set up a commission that should have the authority to determine who should be admitted into the United States, without regard to race—of course, not taking into account the Orientals—but having in mind primarily the economic needs of the United States and the capacity of those admitted to be assimilated, to use your expression?

Mr. EMERY. What you have said, Senator, illustrates the fundamental principle that we want to call first to the attention of the committee. That is an excellent illustration. We say this, Mr. Chairman—and when we suggest a commission of that kind I think we are merely illustrating the application of the principle. We do not believe that you can successfully administer an immigration policy that is to bear a rational relation to the economic and social requirements of the people of the United States without flexible administration. When I say “flexible administration” I mean that it will accommodate itself to ascertained facts as they change.

Now, nothing is more variable than the economic situation of the United States. You can not illustrate it better than by referring to the census report of manufactures of 1921, which has been issued by the Department of Commerce. This question was answered by 97 per cent of the manufacturing establishments of the United States: “What is the relation between your present production and your actual capacity for production?” and the answer from 353 industries and 97 per cent of the manufacturing establishments of the United States was an average of “56.8 per cent.” Of course, 1921 was an off year, and it has been suggested that you could probably allow a variation of at least 15 or 18 per cent for that off year. But it confronts us on the other hand with the fact that we have a large unused manufacturing capacity for which there was not at the time a consuming population.

Senator REED of Pennsylvania. There was a very large unused labor capacity in 1921, too, was there not, Mr. Emery?

Mr. EMERY. Certainly.

Senator REED of Pennsylvania. About 6,000,000 unemployed.

Mr. EMERY. Well, the Secretary of Commerce said in the spring of 1923 that we had changed from 5,000,000 unemployed to a surplus of 500,000 jobs.

Senator REED of Pennsylvania. So that it was not due to any labor shortage that 1921 showed only 56 per cent of capacity?

Mr. EMERY. No; I am not pointing it out, Senator, for that reason. I am pointing it out to show the variability of the economic demand, and for that reason it is impossible to apply an inflexible system of admission to a varying condition. In other words, in 1921, 2 per cent or 1 per cent of aliens was too many to admit. In 1924 it may be too few. Now, why add 2 per cent from alien sources to the population of the United States in any period of employment depression in the United States?

Senator REED of Pennsylvania. Has it not been your experience in the past that the ebb and flow of immigration and emigration corresponded with business activity or dullness here?

Mr. EMERY. I think it would be under normal conditions. But we have an extraordinary situation in Europe at the present time, especially in eastern Europe.

Senator REED of Pennsylvania. Yes; we are syphoning people out of Europe because we are comparatively prosperous.

Mr. EMERY. Yes.

Senator REED of Pennsylvania. I remember the statement made by the president of the largest coke manufacturing company in this country, that the best indication of coming depression that he ever knew was the movement of his European labor. That they could smell depression before he could detect it, and they began to go abroad.

Mr. EMERY. Well, there is no doubt in a broad way that is true.

The CHAIRMAN. I think the immigration statistics show that in the time of panic immigration always falls off very materially.

Mr. EMERY. Well, that is illustrated by the first year's operation of the quota system itself.

The CHAIRMAN. Yes.

Mr. EMERY. In the first year of the operation of the quota for the fiscal year 1921 there was a deficit of common labor in the United States, that is of emigration as opposed to immigration, of about 67,000 common laborers, as classified by the Department, while in the next year the net gain left a deficit for the two-year period of about 17,000. So that I think it is true that in normal times it is so. But the Commissioner General of Immigration in his very able report of 1923 has pointed out that on account of the situation prevailing in eastern Europe, and in Turkey, and in the Armenian regions the result of the unsettled political conditions there, that in his opinion there would have been a greater immigration to the United States but for the quota act. That is his opinion, and he is entitled to a very authoritative opinion. So that I say that in the presence of the abnormal economic and political situation in Europe and Asia we can not be sure that the normal flow of emigration as against immigration would have been a sufficient check, since if we went back to the act of 1917 alone, we would have no legal means of numerically limiting the number of otherwise admissible aliens who would enter into the United States.

The CHAIRMAN. Mr. Emery, it is true that immigration in a large measure is governed by economic causes.

Mr. EMERY. Absolutely.

The CHAIRMAN. There can be no question about that, of course. Political oppression is also at times a cause. But now there is this thing that lies deeper, that I can not understand, that independent

of economic conditions—that is, this country as compared with Europe—there has been a gradual decline of the northwestern immigration to the United States from a very high maximum until it got down in 1913 and 1914 to a minimum of about 170,000. Now, that was a gradual decline, with this result, that where you have the decline in the immigration the proportionate mortality of the foreign born here of those nationalities becomes very large. Independent of economic causes there are many factors which enter into the problem.

Mr. EMERY. There are some that are apparent over there. That is, that period when immigration from northern and western Europe fell is the period that is marked before the war by the rise of the industry of Germany and of the Scandinavian countries, when they were successfully employing at home great numbers of their people, and had changed the tide of emigration into one of immigration.

Now, after the war you have an immediate immigration beginning from the countries almost in proportion to their degree of distress and economic disorganization. That it is most apparent from the countries where the disorganization is greatest, except where it is checked by what you may term public charity in the form of doles. Wherever you had a system of public payments, as in Great Britain, by which an unemployment pension is paid, it tended to check an otherwise natural immigration.

The CHAIRMAN. Do not lose sight of the fact that the Government itself regulates it. Now, I am informed that the immigration from Norway has fallen off. I do not know whether the Swedes also were mentioned as having fallen off in immigration, but it was mentioned that Norway, particularly in the last few months, had fallen off in immigration. There is another reason: the Government may take hold to retain its own nationals. There are many causes.

Mr. EMERY. Those are political, of course.

Senator KING. Mr. Emery, were you proceeding to elaborate, if you will pardon my interruption, how you would work out the plan which you have indicated?

Mr. EMERY. Let me try to sum it up, to save the committee's time, Senator. I would say first of all that it is the view of our committee that in the present shape of information upon the immigration problem, that with the difficulty of discussing the various aspects of this very grave problem in this Congress, for the purpose of formulating a permanent policy of immigration, that it is our opinion that if Congress would continue the present law with administrative improvements and provide a qualified commission to inquire into the facts of the problem, study it further, and report back with recommendations, it would be a far safer thing in the public interest than to undertake the formulation under these circumstances of a permanent immigration policy. And if the gentlemen of the Senate believe that committees must sit for days to inquire into the delinquencies of individuals in the public service, surely a problem as great as this is worthy of the study of a committee for a considerable length of time when it is so profoundly to affect the social and economic life of the United States.

I want to make it first of all very apparent to you that our committee of manufacturers would regard it as very unfortunate if you left without numerical limitations the number of otherwise admissible aliens. We believe it would be in the public interest to undertake by practical means to determine in terms of economic requirements and assimilability what the annual capacity of the United States is, at least to approximate it.

Now, I offer that as an illustration merely to emphasize the fact that we believe that any system of immigration control, no matter how you may shape it, ought to be flexible, and that for several reasons. First, Mr. Chairman, because in the transition period from the too liberal policy of the past to the more cautious restriction of the future, which is now inevitable, we should have some means of adjusting ourselves to the changing economic circumstances that will inevitably confront us.

And, secondly, the subject in its very nature is one that requires flexibility of administration, not only because whatever rule you lay down will in the course of time require exceptions to its general terms, but because an inflexible rule will cause not only hardships of an individual character, but it is liable to confront the industries of the United States with serious embarrassment, and for those reasons we say that any system of immigration control which is established ought to be flexible in its nature.

Now I appreciated the natural prejudice that is aroused at the suggestion of a new commission. It is just as great among business men, certainly, as any other group. So what our own committee had in mind, for example, was that immigration controlled as to numerical limitation within standards to be determined by the Congress, could be reposed, not in a new commission, but while the ordinary administration of the act would rest where it now is, in the Department of Labor, the ultimate determination of such facts as I suggested, which lie at the bottom of this problem, and that is the economic requirement stated in terms of socially desirable persons, could be reposed in, jointly in the Secretaries of Agriculture, Commerce, and Labor. They balance each other. They are not a new commission or board. They are merely a coordination of existing agencies representative of the sections of our population that are most greatly concerned in the practical administration of this great problem. It would mean what you are striving for in other departments of the Government, a coordination of activities that are now separately and independently dealing with the same subject, for the Department of Agriculture is interested from the viewpoint of the farmers, the Department of Commerce from the viewpoint of the industries of the United States, and the Department of Labor from the viewpoint of the wage-earning population of the United States.

If the responsibility for the ascertainment of these facts were placed upon them they would represent the highest executive responsibility for the policy adopted that you could secure. It would be a review power on the part of three Cabinet officers charged representatively with the three interests or groups or sections of our life which are primarily concerned in the administration of immigration laws.

The CHAIRMAN. Mr. Emery, would there be any possibility of combining the two, of having a very low quota, and then allowing



the flexibility feature to be in the hands of the commission that you speak of?

Mr. EMERY. Well now, Mr. Chairman, you understand that when I speak of these three Secretaries, when I use these three Secretaries, I use them illustratively. They occurred to us after study as the three administrative officers most responsible by virtue of their position to the Chief Executive, and would not have only power to expand but contract alien admission. And contraction is highly essential in a period like 1921, or any other period of depression. Now that is recognized by the Secretary of Labor in his recommendations. It is recognized by Senator Watson in his bill, when he suggested that the Secretary of Labor and the Secretary of Commerce, those two alone, should have the power in a period of depression to make a recommendation to the Executive, and the Executive upon accepting the facts would certify, through a proclamation, to his approval. In terms of that statement you would then have a restriction of immigration or its total prohibition for a period of time with respect to one occupation, or class, or generally.

Now, the only difference between what I have suggested and what Senator Watson suggests in his bill is that you add the Secretary of Agriculture, representing the most fundamental industry in the United States in the point of production of raw material. I think from all the evidence that you have heard here you must be impressed with the fact that the industry of the United States is concerned about its character, and I want to call to your attention—and this occurred to me when I heard from Mr. Wallace this morning the views of the National Grange—that here is a resolution adopted by the American Farm Bureau Federation, which was presented to this committee by Mr. Silver—this resolution being adopted at the annual convention of the American Farm Bureau Federation held in Chicago two years ago:

*Be it resolved*, That we believe there exists a continuing shortage of farm and industrial labor which gravely imperils efficient and economical agricultural production; that, in the national interest, the Congress ought immediately to authorize the Secretary of Labor, upon demonstration of such conditions, to admit otherwise admissible aliens in excess of existing quotas to such extent as is necessary to meet the established needs of agriculture and industry. In estimating quotas fixed by law due consideration should be given to ascertained emigration. It is furthermore essential that, so far as practicable, provision should be made to determine the admissibility of aliens either where their passports are viséd or at the principal ports of embarkation.

Senator REED of Pennsylvania. Mr. Emery, will you permit a couple of questions?

Mr. EMERY. Certainly.

Senator REED of Pennsylvania. I think you believe in a protective tariff just as I do, and I think you believe that at the present time a protective tariff is peculiarly necessary for the welfare of the United States because of the great depression and the low wage scales obtaining in our competitor countries. Do you not believe, too, that the principal argument in favor of a protective tariff always has been that we wanted to preserve American wage standards and American living standards? It was for the benefit of the work people of the United States rather than the employer class. Now, if all that is true, and I believe it is true, is it not logical that we should at this time protect the work people of the United States

and American wages and American standards from the direct competition that will follow unrestricted immigration?

Mr. EMERY. Absolutely.

Senator REED of Pennsylvania. In other words, an intelligent quota law is merely an application to human beings of the protective tariff doctrines that are part of our catechism. Is that right?

Mr. EMERY. Yes, sir.

Senator REED of Pennsylvania. All right. Now then, you believe in a quota law. But within that quota law you would allow a discretion to these Cabinet officers to open the valve a little wider or close it a little tighter, if I have gotten your point?

Mr. EMERY. Yes, sir.

Senator REED of Pennsylvania. On the other hand, some of the members of the committee believe in a quota law with a fixed valve that no Cabinet officer would have power to modify. Is there not this danger in putting that power in a Cabinet officer, that in election years there would be an inclination to close the valve because the American Federation of Labor and the great labor organizations would want immigration cut down, and then in the years after election there would be a tendency to open the valve a little wider because maybe some employers wanted a longer queue of applicants for jobs? Do you not think that in practice you would find that the application of your scheme was controlled more by unworthy motives of that sort than by what you call the economic needs of the country?

Mr. EMERY. Well now, Senator, I realize that the possibility of abusing a thing is not an argument against its use. Nevertheless it is also true that if the likelihood of abuse is greater than the benefits to be gained from use it is a serious objection to it. But to pursue the comparison that you have drawn, you have said that this is the application of the tariff to human beings in the protection of their labor interests against the competition of the lower wage-earning foreigner. Then to pursue your comparison: Have you not found it necessary to provide for the adjustment of your tariff rates through a commission? Should you not, therefore, undertake to provide for the administration of what you term your labor tariff through an administrative body?

Now, if that is true, then is it not also true that the tariff commission is subject to the very same likelihood of undue pressure that you have arrived at here, and will we not find that in the course of experience we will build up our wall? Yesterday the President found it necessary to protect the wheat of the farmer by applying a 12-cent increase in the wheat rate. Now, it seems to me that if you can apply flexible administration, or if you find it necessary to adjust the tariff system to the economic life of the American market, it is still more true that you have got to apply to any immigration policy which you use a flexible adjustment to the varying economic conditions and circumstances of American life.

Senator REED of Pennsylvania. Well, that is fine. That brings us right to the point. I rather expected you would come back with that suggestion. Now here is the difference. The President has raised the tariff on wheat because of the necessity for maintaining this differential between American standards and foreign standards. But wheat is wheat, and wheat can not be changed into pig iron or

rubber or other things, and on the other hand there is in the labor market a constant play of economic forces which enables labor to shift from one occupation to another, that does not exist where you are dealing with commodities. I wonder if I make my point clear to you?

Mr. EMERY. Yes, sir.

Senator REED of Pennsylvania. Your labor supply, as we call it, can equalize itself. The low barometer in one place is promptly corrected by inflow from other places, and that is not true of commodities. I grant you that if laborers in steel mills could only come from abroad, that just such a flexible operation arrangement as you speak of would be a good thing. But laborers in steel mills can come from all other groups of industry.

Mr. EMERY. Well, let us pursue that a little further then, Senator. Let us see if it is true that we can very readily supply ourselves with skilled labor. For example, General Marshall, whom I see here, representing the general contractors of the United States, was in charge of the Government construction during the war. I assume that he will be able to tell you that in the building trades of the United States now there is, from careful examination, shown to be a general shortage, greater in some than in others, of about 23 per cent. He will be able to tell you that in the census of 1920, as distinguished from the census of 1910, while our general population in the United States has increased about 15,000,000, the number of building mechanics had decreased about 90,000. We have substantially 90,000 less building mechanics in the United States now than we had 10 years ago. Now, it that means anything it means, when we apply it to houses—and shelter enters into every cost of American life, whether we apply it to service or commodities, so that if, for example, there is a shortage of that kind existing, and that kind of shortage continues in the United States, and you permit it to exist, and permit any group in the community to gain a monopoly over the control of labor of that character, so that there is not sufficient of it to respond to the actual and demonstrated demands of the Nation, then you are paying for the economic consequences of your policy in an added and artificial economic burden which expresses itself in the form of rent and shelter.

Senator REED of Pennsylvania. Very good. You have made that clear, and you made it clear that it applies to skilled labor.

Mr. EMERY. No, only for illustration.

Senator REED of Pennsylvania. Because my own city of Pittsburgh has drawn negroes from the South until we have very seriously embarrassed the plantations down there. It does apply to skilled labor, as you say.

Mr. EMERY. Not alone to skilled labor, Senator.

Senator REED of Pennsylvania. But particularly to skilled labor. Now for the last 12 years we have had a provision not only in our general immigration law of 1917, but in our quota law of 1921 that allows the Secretary of Labor to import skilled labor whenever a shortage appears. We will never have a shortage more apparent than appears among the plasterers and the building trades, and yet that privilege has not been used once. There has not a single plasterer or building trades man been brought in under that provision that I know of, and I have made particular inquiry. So there is a

direct illustration of just such a power as you are speaking for, and it is lying there ineffective through all this crisis.

Mr. EMERY. Gentlemen, if you will look at the occupation returns for 1922-23 you will see that about 17,000 building mechanics have come in from the British Isles.

Senator REED of Pennsylvania. I grant you that, but not through the exercise of that power.

Mr. EMERY. No, because it is very difficult to apply it. And there is another reason for that. The more drastic you make the law the more likelihood there is that there would be reasons for exceptions. Now, if you reduce your quota from 357,000, for example, which it now is, to 248,000, or 100,000 less, which it would become under any proposition predicated upon the measure lying before this committee, obviously you will intensify the very condition for which exceptions are made.

Now, there are 3,000 applications granted under the contract labor laws, and prior to that time, as the committee of the House said in its report, the number of times they had been employed was so slight that they had no statistics available.

There is nothing more certain than that labor, like capital, abhors an economic vacuum, and the moment you have a demand for service that moment it will fill itself from somewhere. The immigration of 500,000 negroes from the South is just an answer to that. The movement of Mexicans from the Southeast or any other section of the country is in answer to and in response to demands for service. Now if you do not answer them at all, if you do have a situation in the United States, under an inflexible system of administration, in which you can not add to that, agriculturally or industrially, then you will have your labor supply remaining fixed and certain, and the demand for services increasing, there will only be the same amount of labor to answer that demand, and the response will be competition for those services. You will have no response in production, on the contrary experience indicates that you will lessen production, which is the natural result of a situation of that character. The United States will then pay in terms of a continually increased cost of living, its inability to meet this rising demand for services and commodities, and then men's wages, while they will be nominally higher, will be actually less, because they will sound bigger but they will not buy as much. That is the economic consequence of the condition to which we will be reduced when we deliberately shut our eyes to the economic facts of the situation.

The CHAIRMAN. Mr. Emery, I do not quite agree with the Senator from Pennsylvania. Just think of the enormous administrative power that the executive department has had. Now, you must assume that men will do their duty when they are charged with executive power just the same as you assume that when you appoint a lawyer a judge on the Federal bench he becomes a different man; just the same as you assume when you pick a jurymen up on the street and put him in the panel he becomes a different man. Now, you must not assume that those three Cabinet officers charged with the responsibility of making the immigration law flexible will violate their duty.

In the history of our Government, with all the vast powers conferred on the President and the various administrative officers, have

you not found that they did their duty? And if you are going to assume that they will not do their duty, and will be governed by improper motives, you will break down our whole system of Government. I would not be afraid to lodge the entire power to regulate immigration in the hands of those three Cabinet officers, the same as that power is lodged in the Canadian officers. Why, our American system of government would break down if you are going to start with the proposition that an administrative officer will not feel his responsibility, and will abuse his power. Do you find, except in the rarest instances, any dereliction in their duty? I do not share in the proposition, because I believe in popular government, that men charged with administrative responsibility are going to yield to demands that are in violation of their sworn duty.

Senator KING. Senator, do you believe that executive officers are any more immune from those movements than legislative officers? I think that I can say without impugning motives that many of us yield to influences and to pressure from corporations or from labor or from soldiers or from women who want the maternity bill, or a thousand other measures, many of which ought never to pass.

The CHAIRMAN. No; I mean this proposition. Suppose you want to make this law flexible. You know that is a defect in it. It ought to be made flexible, within bounds. I would not hesitate a moment to lodge that power with the commission.

Senator KING. I want to think it over.

Mr. EMERY. You understand, Mr. Chairman, that I suggest that the act must be flexible. I am laying that down as a general principle. Then, when I was illustrating how I thought it could be made flexible, I was trying to indicate that you would surround it with all the safeguards that would limit it within the standards that you laid down. Well, now, Mr. Chairman, all the bills that you have here, notably that of the distinguished Senator from Pennsylvania, repose a tremendous executive discretion in the consul in the country that issues the visé certificate.

If, upon the presentation of the application to him, he concludes that the man is inadmissible under our law, he declines a visé certificate. So that you set up a body of discretionary administrative officers in order to make effective the enforcement of your law. And, Senator, you can not have an act which undertakes to exclude classes and individuals without reposing discretion in persons, of necessity, who will have to pass upon the admissibility of the applicants.

Senator REED of Pennsylvania. Are we not all marching in the same direction, but just a little out of step?

Mr. EMERY. I think we are.

Senator REED of Pennsylvania. You believe that there ought to be a quota, with some limitation?

Mr. EMERY. I think there ought to be a maximum limitation.

Senator REED of Pennsylvania. All right; call it a maximum limitation. You believe that?

Mr. EMERY. Yes.

Senator REED of Pennsylvania. And so does the committee. And my brethren here think that the maximum limitation ought to be lower than I think it ought to be. I would make it about the present figure, about 350,000. They have decided that they would like to

see it 250,000. From your remarks I gather that you would like to see it possibly even higher than 350,000?

Mr. EMERY. No. I want to have you clearly understand, Senator, that our committee's view is this: If they could, what they would recommend would be the continuation of the present law with the appointment of a committee to inquire into aspects of this matter which are so highly debatable as, for instance, the assimilability of groups, and the whole body of information that comes up in this discussion, and then as to administrative measures, before you make a permanent policy. What we fear is that you will undertake to establish a new permanent policy for the United States which may confront us with economic embarrassment without providing any means of exception to its rule, which will make an inflexible law. That is our danger.

Senator REED of Pennsylvania. Congress finds every year that it is customary to spend most of its time in correcting the mistakes of previous sessions. My thought in this amendment, that you may have seen, that has not been adopted by the committee, was to get away from any of this discussion of the comparative merits and provide that the quota should be divided according to the division of the whole population of the United States, which at least has the merit of impartiality, and then leave it to the economic laws that we all talk so much about and know so little about to determine the actual flow of immigration within this established limit.

You spoke of the vacuum in the labor market in this country. That is one element, but the pressure of starvation abroad is an equally powerful influence, and if we do not put up some kind of barrier we are going to be overwhelmed by the flood of immigrants, are we not?

Mr. EMERY. I would say, if I were discussing that phase of it, that it is quite demonstrable that the present per centum act has very drastically reduced immigration. It has not only reduced it in numbers, but it has reduced it from those parts of Europe, in its practical operation, which have been the special subject of objection on the part of various groups.

Senator REED of Pennsylvania. I am not going to ask but one or two questions more. You do not criticize our present method of selection at the source by requiring these visé certificates?

Mr. EMERY. On the contrary, we are very strongly committed to selection at the source so far as it is feasible.

Senator REED of Pennsylvania. In order to avoid the distress here occasioned by these excess quota cases?

Mr. EMERY. Yes, sir.

Senator REED of Pennsylvania. So that really the only point of difference between us is that you would establish a commission which would have power, within the quota, to modify admissions to some extent?

Mr. EMERY. I would not even call it a commission, Senator. Of course, I do not want to confuse two different things. One is a commission of inquiry into the question of immigration, and I think there are a great mass of facts with respect to it that we have not got that a qualified commission would get. The commission you appointed several years ago was highly valuable, but since then the

Great War has changed all the conditions of the world with respect to this subject, so that we need new information. There would be no injury if we continued the present law, which would continue to restrict within the 3 per cent limit, but we certainly ought to greatly improve the administrative features—to a few of which I was about to venture to call attention.

Senator REED of Pennsylvania. There is an old saying that a lawyer's last resort is an alibi and a Congressman's last resort is a commission.

Mr. EMERY. The second kind of commission—we speak of the three Secretaries as a commission. I do not think they are a commission. They would be a body of administrative appeal, the general operation of the law being in charge of the Department of Labor. But on these particular questions—and this is, of course, the very center of the immigration question—how will you accomplish numerical restriction? As I say, you come back to one of two alternatives: You can do it by a quota, and when you do it by a quota you do it unscientifically; or else you can do it by reason and on ascertainment of facts, so far as you can get them.

We have never undertaken to handle the matter in terms of the needs of the States, to find out what the desires of the States are and what their needs are. We have never tried to analyze and compile our immigration problem as it is represented in the States of the Union. I do not mean merely with respect to industry, because an industry is no more concerned about supplying the wants of manufacturers than it is about seeing that agricultural wants are satisfied. The farmer is the great buying factor in the United States, and if the farmer is to be enabled to find a market abroad for his surplus products, you can either send his food to the people who can buy it or send the people to the food who want it. The whole course of immigration in the history of the world has shown that the immigrant has followed food sources, and that whenever a people was incapable of supporting a fixed population it had only one of two things to do; it either had to increase the productivity of its soil or the people had to get out of the country.

The CHAIRMAN. Mr. Emery, I understood you quite differently with respect to your maximum. I understood you to say that Congress should provide that not more than half a million should come in. Within that the council or commission would have absolute power to regulate as to numbers and as to who should come in?

Mr. EMERY. Yes, sir. That is precisely the substance of Senator Sterling's suggestion, only he would have an independent commission.

Senator KING. And they would select them——

Mr. EMERY. With ultimate action by the Executive.

Senator KING. They would select them from any country they saw fit, except the Asiatic nations. It would depend upon our economic needs and the social assimilability of those who are selected.

Mr. EMERY. Now, Senator, the only limitation that I suggest is this: I say, let Congress determine whether they will admit by quotas, if you like, and have the percentage of each nationality established and the maximum number established, and then the only thing that this commission determines is what our economic require-

ments are and what the assimilability of the immigrant is, in determining the numbers.

Senator KING. Then if we fix a quota and say that certain numbers shall come from this country or that country, or from Italy or from Germany, then the question of assimilability is not to be considered.

Mr. EMERY. It certainly is a subject for inquiry, because it is one of the most debatable questions you have. You gentlemen have had presented to you over and over again the discussion whether particular races will assimilate. What is the basis of the discussion? What are the facts? We can all have opinions about it, but there must be some fairly approximate means of determining the assimilability of these races in our national life.

Senator KING. Let me ask you this question, if I may interrupt. Suppose we determine a quota based upon the census of 1910, and under that quota, just for illustration, Germany would have 20,000 and Italy would have 15,000. Then we refer the matter to a committee or a commission, and they may not exceed the maximum which we fix and may not go beyond the limits fixed for one country if it shall not fill its quota in order to favor some other country.

Do you think that commission ought to have the authority to say that Germany with its 20,000 allotted under the quota, that they are unassimilable foreigners and therefore we will cut down their quota to 10,000? Or that Italy's quota is nonassimilable to the extent that they would come in during the year, and we decide that only 9,000 instead of 10,000 are assimilable this year.

Mr. EMERY. Senator, I have said I was afraid I would confuse the committee by discussing two kinds of commissions, using the same word for both. The first suggestion of our committee was that if you continued the present law and appointed a commission to inquire further into the subject of immigration, that commission would inquire into these questions that you are referring to. When I used the word "commission" the second time I was referring, illustratively, to the designation of the Secretaries of Agriculture, Commerce, and Labor as a body to ultimately determine the numerical limitation within the maximum set by law to be admitted to the United States in any one year. Now, if that body were in existence, behind the information which you would get and upon which you could predicate your policy, they would merely be enforcing a policy which you have settled.

Senator REED of Pennsylvania. We would be at war with half the world if we gave any commission of administrative officials the power to vary these quotas from time to time. Do you suppose Italy would stand—

Mr. EMERY. I am not suggesting that, Senator. I know I am confusing you, and I do not know whether I can make it clear or not. I am suggesting two very distinct ideas.

(At this point the hearing was suspended for about 10 minutes, to permit members of the committee to respond to a call for a vote in the Senate.)

The CHAIRMAN. Mr. Emery, you may proceed.

Mr. EMERY. I will try to summarize this now, Senator, if I can, without taking up so much of the committee's time.

It was, first, the view of our committee that the circumstances were unfavorable to the adoption of a permanent immigration policy



for the United States, and the public interest would be best served by the continuation of the present per centum act as to administrative matters, pending further inquiry through a qualified commission into the general subject.

I know that immediately suggests delay. It does not suggest delay, if I may call the chairman's attention to the proposal, because it keeps the present law in effect and only provides for concurrent inquiry. If the present law is provided with restriction against an inundation of undesirable immigration, then the public interest is protected by the continuation of that law, with administrative improvements suggested by the experience during the period of its operation.

Secondly, we believe that no immigration law and no immigration policy can be successfully carried forward without flexibility in administration. The subject matter to which it is applied, the necessity of exceptions to the general rule, and the hardships and inconveniences which would otherwise result to individuals, require that someone should have the power, or that there should be reposed in the general administration of the law a means of adjusting it to the changing circumstances of industry.

Then I made the unfortunate suggestion that has precipitated this confusing discussion. I had suggested a commission to make an inquiry, accompanied by the concurrent extension of the present law, and I had further suggested, with respect to flexibility of administration, that we believed it could be obtained by reposing in the Secretaries of Agriculture, Commerce, and Labor the power to establish, within the standards fixed by Congress, the numerical limitation of the otherwise admissible aliens. And it was doubtless the confusion that arose from those two suggestions that led the Senator from Utah to ask me if I meant to repose in the commission the power to determine the number, to change quotas, and things of that kind, when, of course, I was merely suggesting that within the maximums and standards to be determined by Congress the familiar principle of authority would be exercised with respect to the ascertainment of facts and the application of the principles of law.

That goes to the substance of all these proposals, Mr. Chairman, I trust I have made it plain, as a third point, that we believe that a quota system as such is an arbitrary and unscientific method of determining the admission of persons, and that it would be a very great improvement in any permanent policy to undertake to fix that in terms of ascertained economic requirements and assimilability. And I say that requires information that we have not got, and for that reason we are suggesting the inquiry through a commission.

Now, as to administration, if you extend the present law, if you are to adopt a new system requiring administration, there are certain things that ought to be recognized as administrative elements. The first is that if you are going to recognize the advisability of providing inspection at places of general embarkation, then that inspection must either be consular, in which the consul will have the power to vise or refuse vise upon the application of the immigrant, and the consul in that case will either pass upon the application presented to him and his authority will be restricted, or he can form

a conclusion from the appearance of the immigrant, or from facts known to him. We believe that the consul should have as much power as reasonably can be given to him in the exercise of his discretion with respect to the determination with respect to the suitability of the emigrant in the light of his certification to facts which are brought to his attention.

If you are going further, Mr. Chairman, if you are going to set up any system of medical inspection or technical inspection at each point of embarkation—and I use that term as distinguished from sources, since it is impossible to consider any sort of immigration from the sources which immigration comes, but there are five or six general ports of embarkation from which 95 per cent of our immigrants do come—if that is to be attempted, of course, it can be done only with the consent of the country in which such inspection is to be had, and any legislation should authorize the Secretary of State to negotiate for the obtaining of such information or such permission.

The CHAIRMAN. Mr. Emery, on the proposition as to immigration certificates from the consuls, we are working in connection with the Secretary of State, and all the things you are suggesting here are being considered.

Mr. EMERY. There has been no suggestion here that I could clearly understand as providing for medical inspection.

The CHAIRMAN. I do not know that the particular feature of medical inspection has been brought up specifically. But, of course, we have reached this proposition through the Secretary of State, that under the consular power the consul gives permission for an alien to enter this country. When we come to medical inspection I am not prepared to say whether they will enter into that. I just wanted to say that the very phase that you are speaking of now is under most careful consideration.

Mr. EMERY. Well, there is a form of inspection which would expedite the administration of the law and which is possible without the permission of any other country, and that is medical inspection in transit upon ships of American registry and by American officers assigned for that purpose on those ships. It gives a period of observation and the extension of a like privilege to vessels of foreign registration would remove any appearance of discrimination in favor of American ships, would give the officers opportunity for observation, and would limit the necessity for further examination at ports of debarkation in the United States. That is a feasible proposition which I would like to call to the attention of the committee.

The CHAIRMAN. We are in rather deep water now on that subject, and I do not want to get in any deeper.

Mr. EMERY. We would like to indorse the administrative proposals that have been made, many of which are very great improvements in the bill, such as the admission, outside of the quota, of children under 21, of aged parents, or of the wife or husband of a citizen of the United States. That appears in several forms. In one form it is nonquota; they are placed in a nonquota class. In another form they are given a preference over other aliens in receiving certificates so that they would be reached before the quota

was exhausted. But the tendency ought to be, Senator, to regard the family as a unit of assimilability wherever that can be done. It is the most humane method.

The CHAIRMAN. We can not accomplish the two objects of economic regulation and humanity without flexibility.

Mr. EMERY. It is impossible.

The CHAIRMAN. You can not accomplish those two things in a rigid quota law.

Mr. EMERY. I regret that the Senator from Pennsylvania is not here, because I wanted to make an inquiry with respect to the provision for administration contained in his bill. As I understand the theory of this measure, there are no nonquota immigrants, but all those who are not included within the term "immigrant" as defined in the bill are subject to the quota provisions.

The CHAIRMAN. Yes.

Mr. EMERY. Now, among those who are not immigrants, for the purposes of the bill, are the following:

An alien who is eligible to citizenship in the United States and who was born in the Dominion of Canada, Newfoundland, the Republics of Mexico, Cuba, or Haiti, the Dominican Republic, the countries of Central or South America, or the colonies or dependencies of European countries in Central America or South America.

The question that immediately arises in my mind is that since that definition includes those who are born in those countries but not those who are citizens of them, a distinction is made, based upon birth, so that a person of any nationality who is born in these countries is not subject to quota, while a citizen of those countries who is not native born must be subject to the quota from somewhere, and I wonder where. Is it the country from which he came? For instance, is a Canadian, who is a citizen of Canada—

The CHAIRMAN. If an Englishman came over and settled in Canada he would come under the nonquota.

Mr. EMERY. Then what would become of an American who went to Canada and settled on a Canadian farm and became a Canadian citizen?

The CHAIRMAN. I do not see that he is provided for.

Mr. EMERY. I do not know how he would get back into the United States.

The CHAIRMAN. It would be too much of a digression to go into that subject to see why the inhabitants of our sister republics in this hemisphere do not come under the quota law. As to residence in those countries before being admitted to the United States, the law has been changed from one year's residence to five years' residence before admission.

Mr. EMERY. Of course, I suppose that is largely for reasons of policy, Mr. Chairman, but I do not know how for reasons of policy you can distinguish between the naturalized citizen and the native born.

The CHAIRMAN. There are contending forces. The Secretary of Labor wants the quota extended to Mexico. That point has been brought to our attention.

Mr. EMERY. There is no way under the administrative provisions here by which a former resident of the United States who became a Canadian citizen could come back into this country. Nor could

citizens of Canada born in other countries be able to move into and out of the United States on business very well under this provision, because they would be quota persons. There is no exception here, Mr. Chairman, and that goes to the question of flexibility.

The CHAIRMAN. You would, however, have the view that an American citizen could not expatriate himself?

Mr. EMERY. To which principle we object when any other country declares it.

Now, there is no provision, for instance, in Senator Reed's bill for the admission of contract labor where labor of like kind unemployed can not be found in the United States, either skilled or unskilled.

The CHAIRMAN. Would the provisions of this bill repeal that provision of the act of 1917?

Mr. EMERY. They would not repeal it, Senator, but they would make them come within the quota, and that destroys the flexibility of the act, because in the present act it is provided that skilled labor, where labor of like kind can not be found in the United States, is permitted to enter upon a showing made to the Secretary of Labor.

The CHAIRMAN. I am glad you have called that to our attention.

Mr. EMERY. It is a very important matter, because it goes to the essential flexibility of the bill. For example, we have all kinds of requirements for labor in the industries. I am not speaking now in terms of economics, although we are highly in sympathy with the idea that the skilled agriculturist certainly ought to be recognized as a skilled laborer.

But here are industries representing about \$32,000,000,000 of invested capital in the United States, which are largely dependent, for example, on chemical research. They are not dependent on the chemical industries, they are dependent on chemical research. For instance, the iron and steel industries, the textile industries, the ceramic industries, and so on.

Doctor Teeple, treasurer of the American Chemical Society, in a recent address called attention to this increase of dependence upon chemical research, and pointed out that in 1915 there was no potash industry here, but that by 1918 we had 44 plants, of which only one is operating, because that one plant, as he said—

had no particular advantage of location, raw material, patented process, or knowledge of the industry over many others, but its directors at the outset and its financial backers had the nerve to organize research and to put up the money for it month after month in good times and bad times.

Now, unless there is a provision in any bill which the committee may favor that will provide for the admission under contract of labor under the exceptions of the present law and outside of the quota, you will at any time be confronted with the fact that there is certain skilled labor that can not be had in the United States, and its existence is directly dependent upon the existence of the quota.

That is the particular point that I wanted to direct the attention of the committee to, because that flexibility is the most vital thing in the bill, as we see it. But we want to commend very heartily the recommendation of the Secretary of Labor for a provision for a penalty for unlawful entry into the United States, which does not exist to-day. We hope your committee will cure the unfortunate situation which exists by which an alien person who makes an un-

lawful entry has the same right to his first papers as the alien who makes a lawful entry. In many of the States of the Union a man is admitted to vote on his first papers. So we have the unfortunate situation that an alien person who effects an unlawful entry and conceals it is in the exercise of the franchise on an equality with an alien who made a lawful entry. And then, certainly, no alien who is permitted to enter the country because of his exempt status ought to be permitted to remain here if he loses the status which gives him his exemption. That is a condition that ought to be made in the law.

Further so that you will understand how we approach the matter, we call the attention of the committee to the following statement by our committee:

Your committee urges in conclusion that every employer should endeavor to make more efficient use of the existing labor supply by developing and applying, wherever practicable, labor saving devices, improved training methods, stabilizing production, and supporting the practical proposal of the Secretary of Commerce to allocate all but essential public work to seasonal or other periods of lessened employment.

And, finally, Mr. Chairman, we believe it to be the duty of every employer in the United States in the community in which he lives to do his part toward aiding in instructing alien employees in gaining a knowledge of our customs, and laws and country. And in relation to that I want to say that in most of the large plants a systematic instruction in English is carried forward, and every aid of that kind is given. We firmly believe that while a judge can naturalize an alien only the people among whom he lives can make him an American.

I thank you, Mr. Chairman.

(The subjoined statement on behalf of the Railway Business Association by Frank W. Noxon, secretary, was submitted at this point by Mr. Emery for the record:)

#### SOCIAL AND ECONOMIC ASPECTS OF IMMIGRATION.

[Statement before the Senate Committee on Immigration on behalf of the Railway Business Association, railway supply manufacturers, March 8, 1924, by Frank W. Noxon, secretary.]

The Railway Business Association has members in nearly every State, manufacturers of railway equipment, material, and supplies and industrial and electrical engineers serving the roads. At the annual meeting November 8, 1924, the association adopted the following resolution:

"We renew our recommendation that the law provide admission of immigrants limited by quality of applicants instead of by their number."

We urge a high standard. The existing average character of our citizenship should be raised. One method is selective recruiting abroad. To this end we urge you to adopt a policy designed to admit qualified individuals wherever found. Strong newcomers are the best stock for leadership in assimilating the national groups in this country. They are even more essential in repairing the decay which afflicts older stocks in every country when not replenished from peasant sources. We can exclude undesirable without denying ourselves the vital requisite of bringing in desirables. Race and religion should have no place in our thought. We need all the good individuals we can get.

The United States has been no exception to the law of nature that the older stocks fall. Survival of a civilization depends upon maintaining generation after generation the development of a stratum leading the simple life and producing leaders and the parents of leaders in every field of the national activity. The United States has a special problem in this respect. Americans are free

to advance or transfer from one stratum to another. The supply of vitality is drained off fast. Race suicide with us is not a prediction but a fact. The mental and moral inferiority of the second generation among families who have had what we call advantages is the occasion for painful observation and pessimistic forecast. The social problems of the day are among the older stocks.

Certainly we are shortsighted to depend upon Americanization of the national groups under nonimmigrant auspices and leadership. The best of it is being done under leaders within these groups, which is essentially American. Men fresh from Europe coming into their national groups here have a special qualification. They are familiar with conditions abroad. This gives them a basis of comparison. They like America better. They attribute the superiority of conditions to superiority of institutions. They are enthusiastic for the institutions which bring about the conditions. They do not take the conditions for granted or lightly support proposals to tear down the institutions. Revolutionary leaders in the United States have been largely natives, sometimes of recent but often of older stock, and having in the main Nordic names. The immigrant groups usually reject their leadership. The decided drift, persistent through several presidential elections, is for the States with the highest foreign-born percentage of the population to cast the lowest socialist percentage in the vote and vice versa. Groups of nationals follow not native agitators, professional or leisured, but their own solid men. The assailants of representative government were mostly born in America, often to riches, or have been here a long time, in any case forgetful of our advantages and reckless about blasting away the foundations. Most of the newcomers whom these seek to mislead are industrious in their vocations, steady in their tendencies and looking for examples to the ablest and most successful of their people. These successful men are gradually assimilated into the community life. This furnishes an example and an ambition to the whole group. To cut off the supply from a given country will keep out undesirables, but this can be done by quality restrictions without excluding those in every country who wish to come and whom we badly need. We require a steady increment of selected desirables from every available source to bring up the level of the national groups, and to replenish the stratum of simple solid citizens who will have solid children and provide material for leaders in every field of our American life. Increasing the number from Germany and Great Britain will strengthen us but it will not leaven the Italian-Americans.

One effect of discrimination against certain nationals and religionists is to drive together on this side the corresponding groups; retarding, not accelerating, assimilation. No country can safely proclaim a third of its population undesirable. Minorities are becoming potent.

On the economic aspect, we speak only of the phases with which our members are familiar in their own business. From material to finished product, industries a large part of whose product is consumed directly or indirectly by the railways are estimated to employ when busy about as many men as the railways themselves, or something near 2,000,000. These employees range from unskilled common laborers to those most highly skilled in the shop, in the office and in selling, and further on to the supervisory and executive forces. This army of men is engaged in promoting the advance of civilization and raising the standard of living in the United States. Progress in that direction requires progress in rail transportation. Progress in rail transportation rests upon the existence of cognate industries, constantly moving forward toward new levels of excellence in serving the railways.

Take an illustration. One of the blackest blots on our civilization, one of the most deplorable obstructions to improvement in the living standard, is periodical unemployment. One of the causes in the past has been the break-down of railroad facilities. Industrial and agricultural prosperity at times overwhelms the railroads, bringing about congestion of freight. Industry is shut off from supplies and material. Farms and industry can not reach market. Labor is unemployed. Suppose one of the deficiencies was in locomotive power. This could be increased by enlarging the percentage of locomotives in good order. The requisite would be the more rapid installation of modern machinery in the shops and roundhouses to speed up repairs and a supply of labor to operate them.

There we have a definite task—to postpone or avoid an industrial shut-down accompanied by industrial unemployment. The requirement is faster repair of locomotives. Better equipped shops, if manned, will do it. But men are essential to make the machine tools. The machine tool builder employs skilled

mechanics. In Europe such work descends from father to son, generation after generation. Boys are born to it and die in it. In America the mechanic's son does not become a mechanic. He goes to high school and takes a white-collar job. Where are the mechanics to come from? They are developed from unskilled labor. But certainly if American boys can not be tempted into skilled trades they will not do rough labor. There is only one source—Europe.

Something has been said about the substitution of machinery for labor in order that we might stop immigration without industrial distress. Such substitution is wide spread and rapid. But the machinery comes from the machine tool builders. And how can the country progress toward larger use of machinery if the works where it is invented, developed, and made, find themselves cut off from their supply of unskilled labor and hence their supply of skilled labor also?

What has been said about machine tool builders applies to every branch of the railway equipment industry. If the supply of qualified immigrant labor is to be curtailed this industry will suffer a loss in productive capacity—not only in quantity production but in the development of mechanical progress for railway advance in safety, efficiency, and economy. To permit the industry a supply of qualified workers wherever found in Europe will furnish the basis for development of men capable of promotion to every grade, mechanical or official.

Upon the energy and drive, the character and skill of these railway equipment and appliance industries depends the quality of their service to the railways and hence the part played by rail transportation in the advancement of civilization and the elevation of living standards among all our people.

The CHAIRMAN. Now, Mr. Kinnicutt, we will hear you.

**STATEMENT OF MR. FRANCIS H. KINNICUTT, 1 WEST FIFTY-FOURTH STREET, NEW YORK CITY, REPRESENTING THE IMMIGRATION RESTRICTION LEAGUE (INC.).**

Mr. KINNICUTT. Mr. Chairman, I notice that there are a great number of witnesses here. I just wanted to ask if I might have a little more time than you indicated. If your committee is to adjourn now, I would like to know if I could have a little more time to-morrow morning. I have a matter which I think touches one or two of the questions before the committee that are really, perhaps, of major importance; nothing that is academic at all. I have some figures here that I think will interest the committee. I think I should like to have 25 or 30 minutes; but I will try to reduce it to 20 minutes.

The CHAIRMAN. We have had a pretty long session to-day. I will give you an opportunity in the morning.

Mr. PATTEN. Mr. Chairman, I have some statements here which I desire to make to the committee. It seems that it will be hard to find time to present them. Might I hand them to the reporter, to be incorporated into the record?

The CHAIRMAN. That may be done.

**STATEMENT OF MR. J. H. PATTEN, WASHINGTON, D. C., REPRESENTING THE PATRIOTIC ORDER SONS OF AMERICA.**

Mr. PATTEN. I appear on behalf of the Patriotic Order Sons of America, whose traditions and principles go back to the Sons of America of 1776. The order is a patriotic, fraternal, beneficial organization. It cares for its sick, buries its dead, looks after their widows and orphans, provides insurance, is a strong advocate of

the public-school system, and believes in the freedom of religious worship, being nonsectarian and nonpartisan.

Its membership is scattered over the entire country from coast to coast and border to border. Its members think America and Americans, whether native born or naturalized, should come first; and consequently it resents foreign intermeddling with our affairs and particularly the progress of bills such as immigration legislation.

Its national camp in session last year reiterated the many previous demands of the membership for increasing the present quota restriction, and this action was preceded by and has been supplemented by similar action on the part of the various State and local camps.

Among the many reasons for this attitude are the following: As at present constituted the population of the United States was, according to the last census, composed of 58,421,900 native whites of native parentage; 36,398,900 foreign born or persons born of foreign born or mixed foreign and native-born parents; and 10,463,000 negroes.

Our feeling is that there are here now too many foreign-stock persons for our forces of assimilation to Americanize, and that a breathing spell is needed; 72 per cent of the population of Chicago is foreign stock; 80 per cent of the population of New York City is foreign stock or foreign born; 69 per cent of the population of Rhode Island, 66 per cent of the population of Massachusetts, 64 per cent of the population of Minnesota, and 59 per cent of the population of Wisconsin are foreign born or born of foreign-born parents.

The foreign born in the United States represent 32 racial divisions or subdivisions, 37 different nationalities, come from 45 different countries, and speak 40 different languages. They maintain several thousand foreign-language newspapers in 40 different languages.

Congregated in foreign colonies, principally in seven Northeastern States, they have simply swamped our powers of assimilation and Americanization. There are many foreign provinces, such as Hamtramck, within big northwestern cities, as that town is situate in Detroit, Mich., that we consider conclusively show the urgent need of further slowing down immigration, estimated last year by the authorities under the present temporary quota law which expires June 30 next to have been from all sources about 650,000 aliens.

Something has been said about the necessity for alien labor to develop our resources. No other nation has to depend on imported alien labor for the development of its resources. This certainly is not true of the southern part of the United States. As proof of that I cite a statement taken from Senate Document No. 251. Sixty-second Congress, second session, as follows:

This, taken from the Tradesman (Chattanooga, Tenn.), one of the leading trade papers of the South, shows that the South has not suffered from its lack of foreign immigrants—their not going there to any large extent—and that in population, labor supply, out of its own loans, banks deposits, railroad mileage, and in every material and commercial way, the South has increased at a faster percentage than the North, with all its influx of aliens, where there is race suicide, etc.



	United States in 1860.	South in 1900
Population.....	31,000,000	25,000,000
Bank deposits.....	\$253,000,000	\$745,000,000
Railroad mileage.....	50,000	62,000
Coal production, in tons.....	15,173,000	67,700,000
Pig iron, in tons.....	894,474	2,745,000
Exports.....	\$333,570,000	\$557,242,000
Cotton spindles.....	5,035,000	8,615,000
Valuation of property.....	\$16,150,000,000	\$15,500,000,000

The 18 Southern States and Territories have received practically no foreign immigrants during the last 50 years, only a few hundred going to each State or Territory; still its total population, either white or black, or both, has increased at over 30 per cent per decade, while the population of the North, the labor supply, has not increased quite as fast. The native birth rate in the Northeastern States, where the bulk, about three-fourths, of the present alien influx settles or is destined, has fallen off until it almost equals the death rate in some localities—race suicide. Forty per cent of the present influx of aliens goes back within a few years with its savings; three-fourths of it is male adults, unmarried, and does not come back again after returning to its native lands, as is shown by official statistics, which show that only about one-tenth of the number that comes has ever been here before.

Take North Carolina in particular. Something has been said here about that State's need for immigrants:

The foreign population of North Carolina is seven-tenths of 1 per cent. North Carolina is one of the most prosperous States in the Union. It stands sixth among all the States of the Union in the annual gross value of farm crops. Although only fourteenth in population and twenty-seventh in area, it is first in per capita value and per acre value of the annual area planted. A generation ago it was twentieth. Figures show it to be among the most law-abiding States of the Union. Its courts enforce the laws without fear or favor. It is doing this with less than 1 per cent of foreign stock.

The Chicago Tribune in December had the following editorial entitled "Hamtramck," describing some of the conditions we urge as absolutely warranting the passage of even a more restrictive bill than the Johnson bill, H. R. 6540, or the proposed amended Reed bill, S. 2576.

The Chicago Tribune says editorially:

Hamtramck, a city of 60,000 inhabitants situated within the limits of Detroit, is making a bid for fame. At a recent mass meeting of its residents demands were voiced for Polish rule, evacuation of the State police, and removal of all but Polish people from the community. A judge of the Federal court was harshly criticized for an attack on the local liquor situation, and a local justice was hooted into silence when he attempted to speak in English in defense of the Federal court. He was told that only the Polish tongue should be heard.

That reveals a situation which can not be overlooked. The persons responsible for that meeting and its actions are not American in thought, spirit, or practice whether they are naturalized citizens or not. Either something within themselves or something in America has prevented them from becoming Americans and has kept them Poles at heart. It reveals a grave menace to American institutions and democratic government.

It is not a theory but a fact. The question is how to correct it. The normal processes of time would do so, if allowed to operate. Intermarriage with Americans or other races in America, the growing use of a common language, the influence of the public schools and of American social customs upon the rising generation, would eventually break up any such racial consciousness and solidarity. But no such influences have operated effectively upon those responsible for the demonstration cited.

That is unfortunate but true. It is also unfortunate but true that resentment of this situation expressed in the ordinary American attitude toward

the Poles, or toward Italians, Greeks, Asiatics, and to a lesser extent toward Germans, Scandinavians, Irish, or British, tends to drive these people still more closely together. That is deplorable. But it does not justify ignoring the fact that an alien-minded community of 60,000 souls, established in one of our greatest industrial cities, violently resents the use of the American language and government under American laws. That is a danger which must be understood if the present Congress is to take essential action toward eliminating such danger.

Time and associations will correct in future generations the evils now apparent in this community. But neither time nor associations will correct the present evil. That can be done only by further restricting the influx of aliens, which has been so great as to build up such communities in the present generation. Even if the next generation is Americanized, the benefit will be comparatively slight if we develop more such communities of new alien immigrants. What we need is time to absorb those we have without the handicap of adding more unassimilable at the same time.

It happens that the Poles of Hamtramck are the inspiration of this discussion. That is incidental. The same thought applies to Italian, Greek, Asiatic, or other racially conscious colonies of alien-minded peoples, wherever located throughout the United States.

Commenting on this editorial, the *Manufacturers' Record*, of Baltimore, one of the largest trade papers in the country, said, February 7, 1924, under the caption "Drastic restriction of immigration needed to save our country":

The people of this country may well ask themselves whether they want to see the conditions revealed in Hamtramck developed in every part of the United States to a greater or less extent. These conditions do exist to some degree at the present time wherever a large number of southern Europeans are congregated. Among these people are many good, honest men and women who have come to America from high motives, but to a very large extent these alien people feel that they own America; that they can dominate its politics, control its legislation, and run this country to suit themselves. They resent the enforcement of our laws, and they seek to turn our boasted liberty into rank license on their part to do whatever they please, and whenever they please, and in whatever way they please.

Until this element now here has been to a very large extent Americanized and evangelized and educated out of the views which have been bred in them for 1,000 years or more we would be committing an unspeakable crime against this country and all civilization by permitting their increase in America. It is not intended, we believe, by the Almighty that this Nation be deprived of its liberties and its Government by the influx of hordes of aliens. It can better serve the world by upholding its own civilization and Government, and thus setting an example to other nations, than it can possibly do by permitting its influence to be broken down by the lawless alien element which has crowded to our shores from southern Europe, and of which we need no more, regardless of the views that may be expressed to the contrary by employers seeking a larger supply of labor.

Some of the arguments advanced by those who favor increased immigration are wholly without foundation. We regret that the National Association of Manufacturers has recently put forth such an argument. It was intended to convey the thought that in 1921, 194,000 manufacturing establishments had an output of only 56.8 per cent, as compared with their possible production, by reason of a shortage of labor. It is difficult to understand how men of intelligence connected with that organization should have permitted such an argument to be advanced.

In 1920 this country was crowded to the limit of possible profitable production. Its agricultural and industrial interests were prosperous and its people were well employed. But following deflation there came a disastrous shutting down of industrial activities, and we had 5,000,000 people out of employment. The output of the 194,000 manufacturing establishments of 56.8 per cent was, therefore, not in the slightest degree due to shortage of labor, but to the general depression existing throughout the country, for there were millions of idle men and women vainly seeking employment.

We then had from 4,000,000 to 5,000,000 men and women idle because there was no work to be found; and yet, because 194,000 factories had an output of

only 54.8 per cent of their possible capacity, this fact is used as an argument in favor of immigration. We regret that it was republished in the weekly circular letter issued by William H. Barr, president of the National Founders' Association. As a general proposition Mr. Barr's letters to the members of that organization are so illuminating that we have been very much surprised he should have fallen into the error of adopting the figures of the National Association of Manufacturers in this false argument for increased immigration.

As a matter of fact, we have millions of foreigners just as unassimilated as those in Hamtramck, Detroit. We have more than 1,250 papers in this country printed in foreign languages, and nobody outside of their readers has the slightest idea of what doctrines they are teaching. But we do know that the statements recently made by Secretary Hughes that the Russian Government has been seeking to develop among the foreigners in this country a bolshevistic desire to overturn our Government is unquestionably true. That has been going on ever since the Bolsheviks captured Russia.

When Ambassador David Francis returned from Russia he wrote the Manufacturers Record that he was sure a very large amount of Russian gold was being expended in this country for the express purpose of developing Bolshevism in America. In his letter he stated that Russian bankers came to him in secret and asked him to cable to this Government to prevent the payment to bolshevistic agents for the spread of that propaganda, of money which these banks had on deposit in the United States banks. These bankers told him that under penalty of punishment they had been compelled to cable to their bank correspondents in this country to pay out the amounts specified to the men whose names were given in these cables; but knowing that they were bolshevistic agents they appealed to Ambassador Francis to notify this Government and to see that the American banks were warned. When he returned to America, however, Mr. Francis found that his message to the State Department had not reached Washington in time to prevent some of this money being thus expended.

We need no more of the class of people from Russia and from southern Europe tinged with this bolshevistic, socialistic, communistic, anarchistic ideas, whose hearts and lives and brains are fertile soil for the sowing of the seed of revolutionary overturning of this Government.

At times there has been a scarcity of labor, but this can be better met by the larger development of labor-saving machinery than by crowding this country with foreigners.

We repeat the statement often made in this paper that if we can not have rapid material progress without enlarged immigration, it would be better that our material progress go on at a slower pace.

We trust that Chairman Johnson and the members of his Immigration and Naturalization Committee will see that no bill, not even any from Secretary of Labor Davis, is permitted to pass Congress, which under any condition whatever would enlarge the influx of the undesirable element that seeks to leave Europe—for Europe's good—and seeks admission to this country to intensify the conditions already here.

With that editorial, I think I am quite safe in saying that not only our extensive membership, but public opinion in America, is quite in agreement. Both also, I think, are quite in accord with President Coolidge when he urged quota restriction in his last message to Congress, wherein he says:

American institutions rest solely on good citizenship. They were created by a people with a background of self-government. New arrivals should be limited to our capacity to absorb them. America must be kept American.

The first census (of 1790) showed a population of less than 3,000,000, of whom 91.8 per cent were English, Scotch, and Irish. Of the 95,000,000 whites here in 1920, 14,000,000 foreign born were born in 45 different countries, spoke 40 different languages, and were composed of 32 different racial strains. I do not mean to argue the desirability of immigration from a racial standpoint. I admit that it does not depend so much on racial blood as upon the moral and other standards, customs, and ideals of the country whence the immi-

grants come. An alien can not become assimilated so long as he remains a part of a hard, unassimilated alien mass or foreign colony in this country, such as we find at Hamtramck and in our various foreign-stock cities, where in some instances they amount to "foreign provinces" in this country, and where men with certain naturalization papers are nominated for office by both political parties because of such alien mass colonization. Can that be bipartisan government? Is that in keeping with the safety of our free representative institutions and plan of government, particularly if these foreign colonies are not only not reduced but augmented and multiplied?

We can not subscribe to some of the testimony before this committee to the effect that Americans won't work, won't do the work, were worse protestants against conforming to the draft and fighting their country's battles, and the like, than foreign born. I do not believe such allegations. As a matter of fact, it was members of this order, all native born of native-born parents, who first responded to Lincoln's call for volunteers and endured such an unwelcome transit through Baltimore; and their local camps still retain medals evidencing that response to their country's call to arms. It was this order which rallied, just after war was declared against Germany, one day at Scranton, Pa., over 2,000 of its members, schooled in military tactics, all native born, to enlist in the United States Army, and caused the Secretary of War to write a commendatory letter declaring their patriotism unsurpassed.

We favor the 1890 census as a base, because it is the only census year that will do justice to the descendants who established our free institutions and who have perpetuated them for posterity. Continuation of immigration on the basis of the 1910 census will create alarm and react in race prejudice. The present temporary quota law, basing its 3 per cent on the census of 1910, discriminates against the immigrant stock which founded this country, fought the American Revolution, perpetuated the Republic, and whose offspring are entitled to at least equal, if not greater, consideration than all or any others. If a later census year must be the quota base, then reduce the percentage to the vanishing point or enact suspension outright.

I appreciate the lateness of the hour, the long, tedious session you have had to-day, and that you desire to end the hearing on the general phases of the question to-day.

I thank you.

(Thereupon, at 5.10 o'clock p. m., the committee adjourned until the following day, Tuesday, March 11, 1924, at 10.30 o'clock a. m.)

## SELECTIVE IMMIGRATION LEGISLATION

TUESDAY, MARCH 11, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
Washington, D. C.

The committee met, pursuant to adjournment on yesterday, at 10.30 o'clock a. m. in the Immigration Committee room, the Capitol, Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, and Copeland.

The CHAIRMAN. The committee will come to order. You may proceed, Mr. Kinnicutt.

### STATEMENT OF MR. FRANCIS H. KINNICUTT—Resumed.

Mr. KINNICUTT. Mr. Chairman and gentlemen of the committee, I represent the Immigration Restriction League (Inc.), of New York City. That league is composed of about 20,000 American citizens, almost all of them voters. It has, however, no restrictions of any kind on its membership. It is chiefly located in New York City, Brooklyn, and the neighboring districts in New Jersey.

This league, as you probably know, has been organized for some time. It was founded in 1908, at the time when our immigration was at its highest, when in many consecutive years we were getting more than a million people a year from Europe.

I should like to read into the record certain resolutions adopted by the league.

The CHAIRMAN. Very well.

Mr. KINNICUTT (reading):

At a regular meeting of the Immigration Restriction League (Inc.), of New York, held on the 14th day of December, 1923, the following resolution was adopted by unanimous vote:

Whereas a bill, H. R. 101, has been introduced in the House of Representatives by Hon. Albert Johnson, and has also been introduced in the Senate, as S. 35, by Hon. Henry Cabot Lodge; and

Whereas said bill, besides removing the hardships in the present immigration quota law and introducing the needed improvements in the administrative features thereof, contains a provision recommended by President Coolidge in his recent message to Congress for basing the quotas upon an earlier census, whereby the less assimilable immigration of recent years will be reduced to safe proportions:

*Resolved*, That the Immigration Restriction League (Inc.), of New York, with an active membership of over 20,000 American men and women, hereby urges upon Congress the enactment of this highly important bill into law.

This is a certified copy of the resolutions, duly certified by the secretary, Mr. A. R. Webster.

The league is aware of the fact that the Senate Committee has voted in executive session to reduce the quota to 2 per cent but to retain the present quota basis of 1910 in the bill introduced by Senator Reed. The league is in favor of several changes which have been introduced in the Senate bill, as compared with the House bill, particularly the provision which merely grants a preference to relatives of citizens of the United States but keeps them within the quotas.

The league has always felt, and has several times acted accordingly, on this phase of the question that while it recognizes the claims of the near relatives of people who are already here in this country to reasonable treatment with reference to the admission of near relatives that are still on the other side, it believes there ought to be some definite limit. We are quite willing to leave that to the committees of Congress to work out; that is not for us. But it depends primarily, of course, on humanity, always with a view to the limits that national self-preservation imposes. There are 14,000,000 foreign born in the country, and every class of relative that is added rolls up into a snowball. Ninety per cent of the immigrants admitted in recent years, as the chairman has pointed out, have been relatives. So much for that.

The league still favors, however, the 1890 census basis, and so voted at its last meeting. The principal reason why it believes that the census of 1890 is preferable as a basis for the quotas to that of 1910 is that it reduces the proportion of immigration from southern and eastern Europe, while still granting to the countries of those regions a proportion of the total quota of immigration which is fair and gives those countries as a whole a somewhat larger proportion of the total amount of immigration than they would get if their quotas were exactly proportionate to their racial representation by stocks deriving from those countries in our present total population according to the census of 1920.

The CHAIRMAN. The racial representation by stock is in my opinion a factor impossible of ascertainment, as demonstrated by the last census report. Where you have 53,000,000 people here who are the children, native born, of native parents, it is impossible to segregate stocks. The Census Bureau have been endeavoring for 15 or 20 years to determine the number that would have been derived from the original colonial stock of 3,000,000, and their conclusion is this. If they had had children in the natural course and no immigrants had been admitted, the original 3,000,000 would have amounted to 47,000,000; but they say in this computation that it is possible that not more than 20,000,000 persons in this country are of absolutely pure native white stock, while the remaining 27,000,000 of people, of the total of 47,000,000 estimated as the numerical equivalent of the native white stock, may be made up in varying proportions of native stock. Moreover, the bureau experts say that it would be theoretically possible for every native white person of native parentage in the United States in 1920 to be of mixed native and foreign stock.

Mr. KINNICUTT. May I ask, Senator, as to the date of that—

The CHAIRMAN. Wait a minute. There is a pending amendment before the committee on this racial stock proposition as a quota

basis. The present quota law is based upon the number of foreign born of each racial group in the country. Now, when you reach the third generation they are no longer foreign born or immigrants, but become native born in all the census classifications.

Now, will you please go on? I did not want to interrupt you; and we are here to listen.

Mr. KINNICUTT. I am grateful to you, Mr. Chairman, for expounding your position on this matter. I grasp the point of your statement as to a large part of our population, the majority. It is impossible to get the exact racial pedigree, you might say, from colonial times. We do know this, however, that in the census of 1790, our first census, when we had a population of about 4,000,000, according to the census statement in a book entitled—

The CHAIRMAN. They estimated 3,000,000 in all the colonies.

Mr. KINNICUTT. Well, I will accept your correction—3,000,000. We know that that 3,000,000, according to the census estimate and an analysis of that census, shows about 91 per cent entirely derived from the British Isles. We had that as a start. Now, I am going to argue backward, in this respect. I am going to take the other end of it.

It is a pretty definitely ascertainable quantity, this new immigration. If you take the census of 1920, of course, it gives the number of foreign born. That is approximately 14,000,000, by races. It gives the number of children native born, both of whose parents were of one nation or another—

The CHAIRMAN. Mr. Kinnicutt, I know I have diverted you, but you are reaching a much debated question. There were three methods of calculating the descendants of the Colonial stock, and the census authorities adopted a somewhat new method. I understand what your position is, that by racial stock you are not discriminating against southern and eastern Europe in taking the census of 1890. But the fact is we took the census of 1910; and just as soon as you go back to 1890 our racial groups of foreign stock regard it as a discrimination. On that issue this committee decided, by a vote of 7 to 4, to retain the census of 1910.

Mr. KINNICUTT. Well, if argument on this thing is closed before the committee, of course, I will stop my argument.

The CHAIRMAN. No; we are here to listen to any argument that you wish to present.

Mr. KINNICUTT. I had almost finished on that: I was only going to make two more remarks. As far as there is a cry of discrimination, not on the part of everybody, but, with all due respect, on the part of certain racial groups, particularly the Italian and Jewish groups, and I think the Rumanian group—I say the cry is not well founded. So far as southern and eastern Europe goes you can get the approximate number that would represent their part of the immigration that corresponds with their stocks in this country.

That is a fairly definite quantity. It amounts to not more than 15 per cent of our white population, and not more than 11.7 per cent of the total population. Those figures are quite easy to work out, and they get under the 1890 census 15 per cent under the regular quotas, and the lion's share of the relatives under the House bill. Of course, you have a different provision as to the relatives.

The CHAIRMAN. Now, Mr. Kinnicutt, you do not distinguish at all between the old immigration and the new. The old came here years ago, before 1880, and of course they have more descendants than the new that have come here in the last 15 years. This great major fact that the old came here years ago and the new came here recently is the basis of all these new methods of trying to prove that southern and eastern Europe are sufficiently represented.

Now, I won't interrupt you again.

Mr. KINNICUTT. Referring to that last thought, we obviously must not discriminate against the basic stocks, and there is this further reason for it. It is true there is a diffusion of blood, but it seems to me the fact that the blood that was diffused was that of the people who settled the country and for a long time constituted practically our whole American race, is all the more reason why regard should be had to that blood. In other words, the original colonial blood has gone practically through the whole American people. There is hardly a section of the country into which it has not gone. In other words, it is the predominant strain to-day. So that 57 per cent of the whole racial composition of the United States population to-day, in diffusion or solution, as Mr. Trevor says, is from the British Isles alone, not taking in the old immigration from Germany, Holland, Scandinavia, and so on.

I agree with you, Mr. Chairman, that this is a fundamental feature, if we are going to talk about building up the American race and not getting a race that is too mixed up, if we are going to try to preserve our racial homogeneity. This is the controlling thought, I believe, of the House committee, where 14 men voted for this proposition, after debating it for two years. It was not a decision prompted by racial prejudice; I am satisfied of that, Mr. Chairman. I attended many meetings of that committee. They listened to expressions of racial groups—and some of them were very aggressive, to put it mildly—with the greatest patience. The committee held meetings for two months last year, and I never heard from Chairman Johnson a single expression of impatience. He was trying to do as you are trying to do here, to get a law passed which is the best for the whole United States irrespective of any result it might have upon a particular group of immigrants.

Now, I will hurry on, but I want to point out specifically where the discrimination comes in the present 1910 census basis, which is the same in the present law as in the amendment voted on by the committee.

Coming more particularly to the actual discrimination of the 1910 census against certain racial elements of our present population, I will cite specific instances. I will first refer to actual immigration received from certain countries during the last fiscal year as shown in the report of the Commissioner General for that year, page 58, showing the immigrants admitted, by countries of last permanent residence. It appears that 26,538 came from Poland; 18,160 came from Ireland; 19,739 came from England; 29,329 came from Scotland, notwithstanding the fact that the quota from the British Isles was exhausted before the end of the year. This year it was exhausted in five months, and there are probably 100,000 or more Scotch and English who are wanting to come.



Last year the German quota was not filled, but this year it was filled at about the end of the sixth month. Although all the quotas for the present year are practically exhausted, I have not been able to obtain the complete figures for the present year corresponding to the figures cited above for last year as to the countries of last permanent residence. My point will be made clear by a comparison of the existing national quotas under the law; Germany, 68,000; Italy, 42,000; Poland, 25,000; Russia, 34,000; Netherlands, 3,000; Hungary, 5,000; Austria, 7,000; Czechoslovakia, 14,000; Great Britain and Ireland, 77,000.

With respect to this last quota, it has not been apportioned between Great Britain and Ireland. I will assume, however, that Great Britain would get about half and the Irish Free State would get about half, which I believe comes very near what the proportion would be. That would give each 38,671 people, Great Britain and Ireland separately.

It will be observed in running over the quotas in the foregoing list that our present law permits the entry of fewer immigrants from Great Britain or Ireland than from Italy or Germany, and only slightly more than from Russia. It allows more than four times as many to enter from Czechoslovakia as from the Netherlands, and twice as many from Austria as from the Netherlands.

Now, all this is radically out of proportion to the respective numbers in our present population derived from the countries named. For instance, there are at least ten times as many persons of English descent in the country as there are of Italian descent and birth, and yet fewer were admitted from England than from Italy last year. The 1920 census shows that there were then approximately only 3,554,093 persons of Italian descent in the United States, although as far back as 1790 there were about that number of English persons in the United States.

The CHAIRMAN. Mr. Kinnicutt, can you not prepare and submit a brief? You are dealing with figures, and we can not follow them. Did you testify before the House Committee?

Mr. KINNICUTT. Not on this at all. I thought this was one of the points before the committee, but I have another subject I would like to go into briefly and I will drop this if you wish.

The CHAIRMAN. No. You may have until 11 o'clock. That is 10 minutes.

Mr. KINNICUTT. Thank you very much. That will be all I want.

The CHAIRMAN. We have people here waiting, from California.

Mr. KINNICUTT. You have Mr. Trevor's analysis before you, and all I have to say is that that corresponds pretty closely to the figures I have given and shows that the 1890 census basis gives to southern and eastern Europe as a whole all that they would be entitled to if the theory of proportionate racial representation were the controlling theory. I am perfectly willing to admit that to be the controlling theory for these European races, but I admit that for the sake of argument. I think, Mr. Chairman, we all agree that even that is not absolutely controlling. It has been the policy of this country for a long time absolutely to exclude certain oriental races. But it is a thing to guide us, especially as to relatives of immigrants who are here. They are the only ones who have any right to talk about discrimination. A man on the other side who has

not a relative here has nothing to say about it, in my opinion, because on that principle the inhabitants of the Fiji Islands would have a right to dictate our immigration policy.

Now, I am going to take up this matter of discrimination. I say, Mr. Chairman, that that is a false cry. It has deceived part of the American public, the representation that there is really unjust discrimination, that there is no regard paid to the theory of representation of races.

The New York Times in one of the papers that at first did and still does criticize the 1890 census, on the ground that it cuts down the south European quotas too much. It is a very curious and noteworthy fact that the New York Times in an editorial last Saturday admitted that the 1910 census discriminates—that it discriminates the other way; it discriminates against the immigration of the last century that built up this country.

There are numerous letters in the papers. I will not detain you to read any of them, but there is one very short statement by a Mr. Tracy, whom I do not know, who goes even further than I do. There is just one paragraph I would like to insert here. I only mention that to show you the effect of any cry that is loud enough and insistent enough and organized enough—that it will have the effect of persuading a certain number of the public even though it is not true.

Now, I believe there is an organized attempt to capitalize the well-known feeling of liberality in this country toward everybody. We have always been liberal. It is only where our interests are vitally threatened that we sit up and take notice and are not quite so sentimental.

Now, I am not going to quote a lot of people, but I am going to quote a man that I think represents fairly a large racial group that is making the most vigorous protest against this and in the most organized way. I refer to the Jewish group in the United States. I am afraid that I shall be misinterpreted, and that it will be said, "Here is another case of racial prejudice." I am simply quoting this man who has been elected by a poll taken by the Jewish Tribune of his own people as the third outstanding figure of his own race in the world. When Israel Zangwill was invited recently from England—

Senator COPELAND. He is a little out of touch with his own group now, isn't he?

Mr. KINNICUTT. That is true, Senator Copeland. I am glad to say that Mr. Untermeyer and Mr. Marshall, who addressed you the other day, disagree with his suggestion that the Jews must vote as a bloc. They disagree with him on that point, but there has not been a word of disagreement as to his immigration policy.

The CHAIRMAN. Mr. Kinnicutt, our present law admits 60 per cent from northern and western Europe and 40 per cent from southern and eastern Europe. Now, instead of admitting 60 per cent and 40 per cent, suppose you admit 80 per cent and 20 per cent, if you go back to the census of 1890—

Mr. KINNICUTT. That would be fair.

The CHAIRMAN. That is, you admit one Italian and one German under the present law. Now, if you go back to 1890, you admit

five Germans and one Italian. Is not that discrimination as far as the present law is concerned? There is not any question about that.

Mr. KINNICUTT. There is discrimination under the present law; yes, sir; and it is against the racial majority of the United States.

The CHAIRMAN. There you are arguing for a new quota basis. I am not going to argue that question.

Mr. KINNICUTT. You asked if there was discrimination, and that was my answer.

The CHAIRMAN. It is discrimination, under the present quota immigration law.

Mr. KINNICUTT. Yes, sir.

The CHAIRMAN. Now, if you are going to talk about a new quota law based upon racial stock, you reach another basis.

Mr. KINNICUTT. Yes, but I believe that is the only fair basis of representation.

This is what Mr. Zangwill said at a farewell dinner given to him just before he sailed for England. Mind you, his race were agreed about his immigration policy, as shown by what Mr. Marshall said the other day. They do not want any restrictions, except those against individuals in the law of 1917.

This is what he said. I read the report of the Jewish Tribune:

Mr. Zangwill spoke chiefly of the immigration question, declaring that if the Jews continued in opposition to Jewish immigration there would be no restrictions.

Now, quoting Mr. Zangwill:

If you create enough fuss, you will defeat this legislation. You must make a fight against this bill. Tell them they are destroying American ideals. Most fortifications are of cardboard, and if you press against them they give way.

Now, the question is whether the American people when they are fully aroused to the necessity of protecting themselves by drafting immigration restrictions are nothing but cardboard. That is one of the questions before you.

I have mentioned Mr. Israel Zangwill particularly for this reason, that he was over here in 1908, and was the inventor of the term "melting pot." He had a play produced here in Washington, the initial performance of which was given here in 1908, which was called "The Melting Pot." In that play he put over that very misleading idea that you could put any kind of racial elements into our American melting pot and have them all come out American in very short order. A leading article in a New York magazine stated the other day that this is one of the most misleading suggestions that has ever been made to the American public. I have one single quotation; I have not time to read any more—

The CHAIRMAN. You may prepare a brief, if you wish, Mr. Kinnicutt.

Mr. KINNICUTT. This is so important that I must read it, because it shows the importance of that Jewish policy of migration of the Jewish race to the United States. There are now more Jews in the United States than there are in Russia or Poland, and very soon there would be as many as there are in all of Europe. There are 10,000,000 in Europe, 3,600,000 in the United States. They would like to bring them all over here. I say we can not stand it racially.

It is not a question of race prejudice; it is putting too much of an alien race into our melting pot. The melting pot won't stand it. We are already overrun in New York with this and other racial elements. There is only one person in five both of whose parents are native born. This is what he says—

Senator COFFLAND. From whom are you quoting?

Mr. KINNICUTT. From Israel Zangwill, in his book, *The Voice of Jerusalem*, a very interesting book. I am trying to show that this is a long and well-established policy of organized international Jewry; not just spontaneous immigration such as we have in the case of the other races. Referring to Jewish immigration to the United States, he says:

That was the path of salvation which the instinct of the masses found for itself, when the pogroms of the early eighties began to break up Russo-Jewish life. There lay the road to safety and opportunity. America was the only country of the world in which they could arrive in their tens of thousands without arousing serious prejudice. There, and there alone, foreignness was almost the rule instead of the exception; a score of other alien groups vied with the Jewish group and facilitated its settlement. And if the gentiles tended to fuse less slowly in the mammoth melting pot, and if more obstinate Jewry found itself faced with a new synthetic anti-Semitism, yet the equal political rights of the Jews already in possession tended to repress any graver manifestation, and every fresh Jew brought added safety and political strength.

America was, after all, pledged to the doctrine of what Roosevelt called "the square deal." There was lacking only the ramification of the stream of Jewish immigration over the country at large into the West, of which it trickled too slowly. And this a department of the Jewish Territorial Organization strove to precipitate by constituting Galveston an additional port for Jewish immigration—an attempt which Zionism in its blindness withstood, and which was successful only to the extent of settling some 10,000 souls in the smaller Western towns as nuclei of further immigration. But the vast area thus opened up offers—if autonomy is to be set aside—a much more practical and economical outlet for the swarming, impoverished, and tormented Jewries of Europe than can be provided by the tiny, half-ruined British-Arab territory in Palestine, where the mob that ask for bread can not be put off with a stone, however holy. Unless central Europe settles down to a security and prosperity of which there are as yet no signs, or a Russia re-established and nonreactionary supplies a nearer and more attractive magnet to the Polish-Jewish masses, America, whose immigration laws will inevitably be relaxed under the dearth of white labor and the need of production, will as inevitably—by whatever port of entry—resume her old place as the Jewish land of refuge.

A footnote referring to that last statement, says:

The latest statistics show 37,000 Jews arriving in New York within a few weeks, and the majority departing to join their relatives in the West. It would thus seem that the Galveston work was more successful than one had imagined, and that, exactly as designed, the 10,000 souls planted in the West are now operating as nuclei to attract immigration from the eastern slums.

Senator HARRISON. Do you think a melting pot is as bad as a tea-pot?

Mr. KINNICUTT. I think the term "melting pot" is a misnomer. Somebody has said that the only thing that melts is the pot. Assimilation, so-called, may be likened to cooking. Things are mixed up, but the result depends upon the ingredients, and the result may be good or bad.

Now, I just want to say that the 1890 bill does not discriminate against the Jews, because they can come in under every quota. They come from every country in Europe. Their immigration will be slightly cut down under this bill, but not nearly so much as that of

others. Five thousand came from Canada last year. I saw in a Jewish paper the other day that there is a big movement in Germany, an exodus of Jews, owing to economic conditions, so that although they have not been using the German quota they can use it next year, just as they have been filling up the Russian and Polish quotas.

I thank you.

(Other data subsequently submitted by the witness is here printed in full, as follows):

#### QUOTAS FOR IMMIGRATION.

TAKING THE COUNTRY AS A WHOLE, THE 1890 CENSUS IS REGARDED AS FAIR.

[Reprinted from New York Times, March 1, 1924.]

TO THE EDITOR OF THE NEW YORK TIMES:

With reference to the charge by certain New York Congressmen that the pending Johnson-Lodge immigration restriction bill is racially unfair, I should like to point out that a careful study of the census figures shows that the discrimination is not in the proposed quotas but in the existing quotas. The present law bases the quotas on the enumeration in the census of 1910 of the foreign born of each European country then alive in the United States, and takes no account of the racial elements by stocks in the country to-day. According to that law it is only the number of actual immigrants from each quota country here in 1910 which determines the quotas. No credit is given to any country by reason of the fact that the number of persons derived by descent from that country is greatly in excess of those who actually emigrated thence in the present generation. For instance, under the present law the joint quota for Great Britain and Ireland is 77,342. If it were apportioned according to the census figures of 1910 between England, Scotland, and Ireland, respectively, the quota of England and that of Scotland would be less than the quota of Russia, Poland, or Italy. In fact, during the last fiscal year, in which the British and Irish quotas were exhausted before the end of the year, fewer immigrants were allowed to enter the United States from England, fewer from Scotland, and fewer from Ireland than were permitted to enter from either Russia, Poland, or Italy. This result is certainly extraordinary. It amounts to a clear discrimination against the very peoples who principally settled the American Colonies and founded our civilization, and whose descendants constituted at least 50 per cent of our present white population, in favor of peoples who have only come in any numbers to the United States within the last 30 years.

Perhaps the greatest need in immigration legislation to-day, and certainly one of the prime considerations in the minds of Members of Congress in framing the pending bill, is the maintenance of at least that degree of racial homogeneity which the American people possesses to-day. Judged by this principle, it is the present law—not the pending bill—which is open to objection. The former gives 44.6 per cent of our total quota immigration to the countries of southern and eastern Europe, including Asiatic Turkey and Palestine—an amount vastly in excess of what they could claim on any theory of proportional representation by races, with reference to the racial elements in our present population. This will appear from an examination of the official figures of the 1920 census, which show that the total number of people of foreign stock in the United States in that year derived from the countries of southern and eastern Europe (including Asiatic Turkey and Palestine) is approximately 12,266,115, or 11.7 per cent of the total population of the United States in 1920. The above figure is reached by adding to the number of the foreign born from those countries the number of native born both of whose parents were born in those countries and one-half of the native born one of whose parents was born in those countries. Under the provisions of the Johnson-Lodge bill, 15.3 per cent of the total quota immigration would be apportioned to these same regions in southern and eastern Europe and near Asia. Obviously, this would be a liberal allowance, but in addition thereto the "newer immigration" would get the lion's share of the exemptions for near relatives of United States citizens, who, under the new bill, are exempted from quota restrictions. It is clear that the newer immigration, represented

by the great wave from southern and eastern Europe since 1900, must have many more of these near relatives than the representatives of the older immigration now alive in this country, most of whom came over before 1900. It may incidentally be noted that the total number of foreign born from southern and eastern Europe alive in the United States to-day is only 6,422,727.

The figures given above show indisputably that the charge of unfairness and discrimination, as applied to the pending bill, which bases the quotas on the census of 1890, is entirely unfounded. That bill, in fact, merely preserves the racial status quo in the United States with respect to immigration more nearly than can be done by taking any other census as the basis. In other words, the proposed legislation, far from being aimed at any particular race, is based on broad considerations of public policy and the welfare of the country as a whole.

FRANCIS H. KINNICUTT.

NEW YORK, *February 27, 1924.*

[From editorial in New York Times, March 1, 1924.]

But many of the objections brought against it can also be brought against the census of 1910. This latter, as a matter of fact, favors the "newer" immigration at the expense of the old, and permits fewer representatives of those races which built up the United States during the last century to come in than of the recent arrivals.

In formulating a permanent policy two considerations are of prime importance. The first is that the country has the right to say who shall and who shall not come in. It is not for any foreign country to determine our immigration policy. The second is that the basis of restriction must be chosen with a view not to the interest of any group or groups in this country, whether racial or religious, but rather with a view to the country's best interests as a whole. The great test is assimilability. Will the newcomers fit into American life readily? Is their culture sufficiently akin to our own to make it possible for them easily to take their place among us? There is no question of "superior" or "inferior" races, or of "Nordics," or of prejudice, or of racial egotism. Certain groups not only do not fuse easily, but consistently endeavor to keep alive their racial distinctions when they settle among us. They perpetuate the "hyphen," which is but another way of saying that they seek to create foreign blocs in our midst.

The more the population of the United States is recruited from diverse racial groups, the more essential is it that all racial distinctions be eliminated. So long as racial consciousness is fostered, whether it be in the form of the dual loyalty preached by the representatives of certain nations, or in the banding together of the foreign born or their descendants to further the political or other interests of their group as a group, the fusing of the American Nation will be delayed. Particularly true is this as bearing on immigration restriction. A policy must be formed without discriminating unfairly against any given groups, but at the same time with regard to the interests only of the whole and not of any special part.

In an interview given by Israel Zangwill to Charles W. Wood (see *World*, October 28) the former is quoted as having said:

With Jews it has been a desperate problem to preserve their race identity at all. Italy might send a million emigrants to America, there to lose their identity as Italians with no danger of Italy losing its identity as Italy. But Israel could take no such chances for Israel was not a country, it did not have any physical existence, it was but an ideal, a hope, a state of mind without opportunity of materialization.

If the Jew had had a country where Jewry could work out its own destiny the individual Jews who travel to other countries might have become very different persons from what they are. Imagine such a state. Call it Itoland, for instance; and suppose it actually were a populous and great Hebraic nation. The Jew who emigrated from that country to another could have the choice as to whether he should become naturalized in the other country or not. If he were to become naturalized, it would mean what naturalization now means in the case of other nationalities in America. But the situation does not permit the Jews to make any such simple choice to-day.

Jews must remain Jews, they think not merely in the religious, but in the racial and nationalistic sense of the term. In fact it has become all but

impossible for them to keep these two ideas (of religion and race) separate. America tolerates all religions and there would be no particular objection to anyone's preferring the Jewish form of worship: it is the racial and nationalistic sentiments of the Jews, in combination with their religion, which cause misunderstanding and consequent ill will. When Jews become naturalized in America they may choose this country as their own, but they do not choose it in preference to their own, for they have no own country. They simply choose America as the best non-Jewish country they know of, it being understood all the time that they must live in some non-Jewish country—some country where Jewish culture, Jewish ideals, and Jewish nationalism can not possibly be allowed to dominate.

Having been asked what result the establishment of a Jewish state would have upon the Jews of all nations, Zangwill answered:

It would free the Jew to choose whether he should give his allegiance to the Jewish state or to some other. It would relieve the wanderers in other countries from the responsibility of preserving Jewish traditions and Jewish culture; for that would then be carried by the homeland. Then if an individual Jew wished to transfer his allegiance to the United States, his fatherland would have no cause to worry about it, and he would have no cause to worry about the fatherland. The Jew could then act as an individual, to a degree that he is not free to act to-day. He could permit himself to be fused in your melting pot without feeling that he had betrayed his people in doing so.

[Census, 1920, vol. D, p. 897.]

Country.	Foreign born.	Both parents foreign born.	Father foreign.	Mother foreign.
England.....	824,088	574,499	571,560	336,965
Scotland.....	310,092	178,638	54,889	30,415
Norway.....	362,051	437,623	143,314	80,237
Germany.....	1,915,864	3,397,370	1,367,805	678,953
Russia.....	2,020,646	1,671,949	136,068	43,416
Italy.....	1,515,180	1,556,065	146,304	19,292
Ireland.....	1,164,707	1,966,963	573,021	431,699
Hungary.....	698,170	472,521	29,510	10,704

NOTE.—The above statement shows a great variation as to mixed marriages with respect to immigrants of different racial groups.

[From the World Almanac, p. 750.]

The Jewish figures in the table above are based, in part, on revised estimates made in 1923 by Dr. H. S. Linfield, of the Bureau of Jewish Social Research of New York City. His total for the Jews of the world is 15,500,000.

He credits 3,600,000 Jews to the United States; over 126,000 to Canada; 100,000 to Argentina; 3,500,000 to Poland, 3,130,000 to Russia in Europe; 84,000 to Palestine; 142,000 to Syria, Mesopotamia, and Arabia; 377,000 in Asia, including the Near East, and including also 27,000 in India, China, and Japan.

Doctor Linfield found that nearly 800,000 Jews live under the British flag, while 500,000 are in France or in the French dependencies along the Mediterranean Sea. He estimated that 295,000 Jews live in Great Britain and northern Ireland, 213,000 in the British dominions—Australia, Canada, Irish Free State, New Zealand, and the Union of South Africa—and 335,000 in Algeria, Morocco, Tunis and Syria.

In Africa, according to Doctor Linfield's compilation, nearly 400,000 Jews live in the Mohammedan Arabic-speaking countries of the north, contributing 1.4 per cent of the population. Four per cent of the white population of the Union of South Africa, or about 50,000, are Jews, while there are 50,000 in Abyssinia.

The Jews in New York City he puts at 1,643,000, or 29 per cent of the total population.

The American Jewish Year Book for 1923-24 estimates the Jews in Europe at 10,536,735.

[From Jewish Tribune (of New York), February 8, 1924.]

ZANGWILL FAREWELL LUNCHEON.

A luncheon was given in farewell to Mr. Israel Zangwill on Tuesday noon at the Aldine Club by the administrative committee of the American Jewish Congress \* \* \*

Mr. Zangwill spoke chiefly on the immigration question, declaring that if the Jews persisted in a strenuous opposition to the restricted immigration there would be no restrictions. "If you create enough fuss against this Nordic nonsense," he said, "you will defeat this legislation. You must make a fight against this bill; tell them they are destroying American ideals. Most fortifications are of cardboard, and if you press against them, they give way."

He suggested that, in order to prove they are nonpartisan in their opposition to restricted immigration, the Jews propose that a quota be set only for Jews, and not for others.

[From New York Times, Sunday, March 2.]

IMMIGRATION SINCE 1607.

To the EDITOR OF THE NEW YORK TIMES:

There has been considerable discussion of the so-called discrimination in the immigration bill, based on the census of 1890. Yet the discrimination is in the opposite direction from that generally assumed.

Our immigration covers a period of 317 years, from 1607 to 1924. The quota based on the 1910 census takes in only the period 1880-1910, and the 1890 quota uses the immigration between 1860-1890 as a basis. Both of these bills discriminate against the immigration from 1607 to 1860, which comprises nine-tenths of the total period. Why should our quota be based entirely on a period which comprises only 30 years out of a total history of 317 years? The settlements in the first two centuries of our history furnished the backbone of our Nation and fixed its character. Yet we find our modern lawmakers ignoring this and setting a value of zero on our original settlers, in order to favor the more recent arrivals to our shores. The only just immigration law is one which will be based on the entire history of our immigration and take account not only of numbers of each country by birth but also by descent. As an instance, some countries whose nationals comprise only 1 per cent or 2 per cent of the population of the United States are allowed 10 per cent—20 per cent of the total immigration quota on the 1910 basis. Even the 1890 law, which is less discriminatory against our earlier population, allows only one-third of the total immigration to come from all four countries of the United Kingdom—England, Ireland, Scotland, and Wales—whereas fully two-thirds of our total population is descended from these sources and until a few score years ago they constituted about 90 per cent of the white population.

F. W. TRACY.

NEW YORK, February 24, 1924.

(The following statements submitted for the record are herewith incorporated therein:)

ASSYRIAN AMERICAN COURIER,

Hartford, Conn., March 24, 1924.

HON. LEBARON B. COLT,

Chairman Committee on Immigration,

United States Senate, Washington, D. C.

DEAR SENATOR: It is extremely unfortunate that the Assyrians are very little known in the United States. The sectarian names by which they became recognized in the ecclesiastical circles of the Christian world, together with the political changes and divisions to which they became subjected by the misrule of their Islamic oppressors, hid from the view of the civilized world the great name of a once great people, and obscured the splendor of those their glorious achievements for which America and England were destined to be famous in subsequent and more modern history. For what America and England have been doing during the past century in the general uplift of mankind through education, civilization, and evangelization, that precisely did the



Assyrians do for many centuries throughout Asia till they were reduced to abject poverty by the greed and the hatred and the plunder and the never-ending persecutions in the hands of their Moslem rulers.

The case of the Assyrian immigrants has absolutely no parallel among the peoples of the earth. Those immigrants who come to the United States either from Europe or Asia leave a country behind, but the Assyrian refugees have neither a country to return to nor a home to find shelter therein. I speak, of course, particularly of the Persian Assyrians. Other nations can easily part with a million or more of their nationals, and still have millions more left behind; whereas if 15,000 Persian Assyrians, which are the only remnant left out of a population of nearly 80,000, were to be admitted in the United States, our Department of Labor could strike that name off from the list of the immigrating nations. But the total number of the Persian Assyrians who might desire now to come to the United States, will not exceed 5,000 souls; and these are the people who have no home and no country, except the homes which their sons or their brothers or their fathers or their husbands have established for them in the United States.

The Persian Assyrians were obliged during the World War to cast their lot with that of their stronger brethren of the Kurdistan Mountains in Turkey. The latter were induced by the representatives of the Allied Governments to enter into the World War on the side of the Allies, our own American consul in Urmia, Persia, taking part in the counsels of the Allied Governments' agents which urged the Assyrians to take up arms against a common foe. The Assyrians did so in spite of the most alluring promises made to them by both German and Turkish authorities. And even after the collapse of Russia, the Assyrians held heroically the front allotted to them in the northwestern part of Persia, and fought 15 victorious battles against the combined forces of Islam. I have no fear of contradiction when I say that absolutely no nation in the World War exhibited as great valor as these Assyrian people did, while not even Belgium nor Serbia suffered the losses to which the Assyrians became subjected. These facts are, of course, well known to the British and the French Governments, as well as to the American agents and missionaries in Persia. When their ammunition was exhausted, and when England and France failed to come to their assistance, they were obliged to flee toward Mesopotamia, and in that hazardous exodus alone they lost more than 20,000 souls.

Having lost every earthly thing they possessed, the miserable refugees managed to arrive in a camp in Baquba, Iraq, which was prepared for them by the British military authorities; and indeed, if it was not for the philanthropic heart of England, there would have been no Assyrian left now for whose cause I might plead.

On the strength of the solemn promises made to the Assyrians by the Allied governments, your petitioner, having received his instructions from the leaders of the Assyrian people, transmitted to our Department of State through the American consulate in Bagdad, went to Paris, and there he presented the claims of the Assyrians at the preliminaries of peace in that city. The promises made to your petitioner in Paris were never fulfilled. These promises did more expressly and explicitly state that the Assyrians would be given a home land in upper part of Mesopotamia, which was their ancient fatherland.

But Bagdad was given to the Arabs, and Mosul is still a bone of contention. The mountain Assyrians were drafted into military service with the privilege of occupying their former homes in Kurdistan, while the Persian Assyrians continued to straggle in lower Mesopotamia and in the various cities and towns of Persia.

The Arab government will not have them; and Urmia, their former home, is still a seething volcano for them. And if they were allowed to remain there, they would be Moslemized against their will, and the succeeding generations would only swell the number of the lost Assyrians who were Moslemized by the ferocity of Taimur the lame.

There is therefore absolutely no hope for these people save that they be permitted to join their relatives in America where they have homes provided for them.

Some two or three hundred of these refugees arrived in France fully two years ago, and they are now being supported with the American money sent by their relatives in the United States. So far it has cost these relatives nearly \$500,000 for the transportation and the maintenance of these refugees in various parts of Europe and elsewhere. And they have no country to return to. What shall they do?

Your petitioner came to the United States in the year 1892. At that time there were in America, all told, about eight Assyrians from Persia. If the new immigration law be enacted on the basis of the quota for the year 1890, the door for the admittance of the Assyrians in the United States will become practically shut forever.

Through your honorable committee I am appealing to the humanitarian heart of America, so often and so marvelously revealed in the exhibition of unparalleled sympathy on the part of the President and the Congress of the United States toward the oppressed and the suffering peoples of the earth. And in the name of humanity, I beg for the admittance of these straggling refugees who have neither a home nor a country to return to.

Most respectfully yours,

JOEL E. WERBA.

HOTEL CONTINENTAL,  
Washington, D. C.

(A statement filed for the record by Mr. Dwight Braman is herewith incorporated therein, as follows:)

#### REGULATING IMMIGRATION

Congress has been very energetic in analyzing and placing protective duties on various forms of manufactured articles, going into protracted debates over the minutest particulars, also over raw materials to protect American industries, but the greatest vital industry of all is to protect the American standard of life which has been neglected. There has been no provision made by the Congress of the United States until recently, limiting or regulating the influx of humanity, for various causes, from all over Europe. That 47 per cent of these are in insane asylums in the State of New York, having been recruited from foreign countries, are foreign born, seems to pass unnoticed. That there have been 4,486 convicted criminals placed in our State prisons during the last five years from foreign countries, has also been unnoticed. Under treaties with foreign governments, there is no way to deport these aliens by the State. The consequence is further heavy taxation and further high cost of living on all of our people.

That there are 42 foreign-language newspapers and 44 different languages spoken in and near the city of New York is to many Americans a revelation.

The last two decades records show that 80 per cent of the new immigrants are from southern countries which should be checked until those who are here can be assimilated in American ideals and our own language. It is not a racial question, but a question of nationalities. The nationalities from many of these countries have a political and cultural background entirely opposite to that of the United States. The fact that these different nationalities form in groups here is perfectly natural, where people who can speak the same language keep together. But these different groups representing different political units of Europe are kept intact by the foreign language press which follows them. Many of these immigrants are illiterates and do not even read or write their own language, and these foreign-language papers are used to teach them their own language and not English. There has been a most deplorable lack on the part of Congress in every way to Americanize these people, but there seems a studied propaganda going on which has been active for decades, to alienize these people by the foreign-language press which is supported by these different groups. Our first duty, most assuredly, is to the American people, citizens who are here, to protect them and assimilate these different alien groups to instill into their hearts American ideals and standards of living.

The foreign-language press has a lower tone here than in the old countries with "finally the substitution of nationalism and socialism and conflicts within the immigrant community for the political discussions of the European press. This general lowering of the tones of the foreign-language papers has created a public in this country composed of people who, in their home country, would have read little or nothing at all." (Robert E. Park, "The immigrant press and its control," p. 77.)

By teaching these aliens how to read their own language, thus holding them together in blocs of their nationalities with their foreign background of morals, standards of living, and political heritage, makes the greatest menace to America, her institutions, and all of her people. The immigrant press follows these 44 nationalities, and for its support it is dependable in thus keeping

them segregated, their very existence being dependent by keeping them so isolated. All of this organized alien population with a view of never learning the language of our country and becoming citizens! That these peoples of southern Europe have never mixed with the people of northern Europe is the history of the last 2,000 years. Congress must recognize this condition and not be blind to the fact that they have no intention of mixing here. The Government has done nothing whatever to overcome these conditions. The Allied Patriotic Societies (Inc.) are endeavoring to teach them English in their homes at night and on Sundays, by their children in the public schools, and aid in giving the Nation one common language.

The American Nation has a right to choose their associates, as do all other civilized nations, and to restrict immigration, as plainly, otherwise their governments would be overthrown by promiscuous hordes invading their domain.

The census of 1890 should be taken for the reason that immigration about that time was equally divided between those peoples from northern Europe and those from southern Europe, any cry of discrimination being an untenable issue. When the tide of immigration from southern Europe exceeded those from northern Europe, which has now reached a point as high as 80 per cent or more, last spring five thousand Dutch farmers made their plans to go to America and take up farming. They sold gradually their stock and farms, and seeds for the new spring crop. In Holland they produce more per acre than in any other country in the world and their farmers are the best experts. When these farmers came to get their passage, the steamship company told them their small quota had been filled, and with great hardship and what feelings, they had to give up coming to America and were sent to South America, and we lost this most valuable asset.

Benjamin Franklin with wonderful vision and foresight made a prediction that the population of this country would double itself every 25 years. If we take the United States of 1790, we find that in 1815 it would be 7,900,000; in 1840, 15,600,000; in 1865, 31,200,000; in 1890, 62,400,000; whereas the exact population in 1840 exceeded Franklin's prophecy by 1,400,000, and that of 1890 by 500,000 or 62,900,000. From 1890 to 1915, something happened and the increase was put 54 per cent because those who came here did not mix with those as before. Those of southern Italy, Greece, Armenia, Serbia, Russia, Poland and Bulgaria could not mix with those from northern Europe, from England, Scotland, Ireland, Holland, Denmark, Norway, and Sweden. This is the basis for going back to the census of 1890 to get back those from the northern countries.

We have a growing population here seeking employment. In our public schools there are 22,500,000 children, and each year there are at least one-tenth of them who seek employment, so there is a constant flow from this source, and we have to protect these children in their standards of living. This is why the country is spending three and one-half billions of dollars a year for education. But, we are still the most illiterate and lawless nation of the face of the earth. Therefore, we have to urge the help of Congress to aid us in this work to assimilate these peoples and perpetuate the best standard and traditions of America.

Respectfully submitted.

DWIGHT BRAMAN.

WASHINGTON, D. C., March 29, 1924.

Hon. LeBaron B. Colt,  
Chairman Committee on Immigration,  
United States Senate.

DEAR SIR: In the Congressional Record of March 15, 1924, page 4392, in which Hon. John C. Box, Representative from Texas, quotes a table giving the names of various organizations which he contends are anti-American, among others there appears the name of the Selective Immigrant Aid Society.

I have the honor to transmit herewith a brief giving our views on the proposed immigration bill, which, on behalf of the Selective Immigrant Aid Society, I contend is purely American in principle.

I would appreciate it if the brief of the Selective Immigrant Aid Society is filed for such considerations as it may deserve by the Senate Committee on Immigration.

Very truly yours.

L. SILO GOTTLIEB,  
Vice President Selective Immigrant Aid Society.

## IMMIGRATION QUOTAS BASED UPON NATURALIZATION STATISTICS

The proposal to regulate immigration to the United States upon the basis of the disposition of the various immigrant races to become naturalized American citizens is inherently sound and can not fail to strike a responsive chord with the American public.

After all, we Americans, while primarily concerned that alien races coming to these shores should possess proper physical, moral, and mental qualifications, are likewise concerned that aliens should be of the disposition to join in our American national life, and assume the obligations and responsibilities of citizenship. We don't want the class of aliens that come here, join in our national wealth and prosperity, and yet remain outside of the pale of citizenship. That savors too much of the parasite, and reflects upon the intention of those aliens in coming to the United States and upon the spirit with which they regard America.

If this country is good enough for an alien to come to, live in, share in our economic blessings, and otherwise reap the fruits of American well-being, it is good enough for such an alien to assume our citizenship. On the other hand, if this country is not good enough to join in with as a citizen, that alien has no place among us, and in the long run America is better off without him.

After all, America has prospered because it has been a melting pot for all of the races of the earth seeking freedom and opportunity. The raw mass that comes here must be digested, ground through the mills, and turned out as a finished product of Americanism. Just as undigested food in the human system throws all of the human organs out of gear, and renders the person unfit for proper activities, so the presence here of large masses of alien races who decline to become citizens, or are indifferent to the thought of becoming nationals of this country, can not fail in time to create discord and confusion amongst us, and retard our national life and development.

One of the best tests, if not the best test, of what races have the instinct to cast off entirely their foreign allegiance, and grasp the spirit of America, lies, of course, in the readiness with which those races become naturalized. If out of 100 aliens of a given race we find that 75 have become citizens, we are safe in saying that that race feels the urge strongly to establish themselves here permanently as part and parcel of our land, and hence that race is desirable from the national standpoint. On the other hand, if we find that out of 100 members of another race, only 15 have elected to assume American citizenship, we can not escape the conviction that that race is not a very desirable element to have in our midst, because it does not fuse with us, and in the course of time will constitute a separate foreign entity in our midst.

Of necessity, in determining what proportions of the various races readily are absorbed into American citizenship we must rely on the 1920 census, because that was the first census taken of foreign-born and naturalized persons in the United States. We can not go behind the figures in determining which races more readily associate themselves with America, and as a consequence we are left in ready position to determine from those figures which of those races are the more desirable to encourage to come to us. In this way, we are safe in opening the doors to a greater extent to those races, than to those races which are slow to join in our political well-being.

By putting immigration upon this basis, rather than upon the rather arbitrary basis of total numbers of persons of a given nationality residing in this country during a given year, we are not open to the charge of discrimination against any particular race; because, after all, America must look out for her own welfare, and it is only fair and just that America should look with greater favor upon those that readily cast their political lot in with us than with those that do not.

We choose our friends by the instinct of who are most congenial to us. The same principle applies in choosing those we would have join us in our national life. We want those who show the greatest aptitude to become as we are—citizens, because by that means we are sure of adding to our peoples those who most fittingly become part of our American scheme of existence.

This plan of immigration is intrinsically sound, and commends itself to all who have the interests of America at heart.

The question of what per cent of those naturalized should be allowed to enter should present no great difficulty, because under this plan it will be evident that those races which are most readily absorbed as citizens will be the

chief beneficiaries, and we can have no objection to the admission of those who will in short order, as demonstrated by lessons of the past, soon be as we ourselves are—American citizens. It should be no less than 6 per cent of the 1920 census of those naturalized, because that is substantially the equivalent of our present immigration under the 3 per cent rule based upon the 1910 census, and it could be readily enlarged to a greater basis than 6 per cent because of the assurance conveyed by the figures that the new immigrants will not remain aliens, but true to type they will reasonably soon become citizens. The greater the proportion fixed, the greater will be our net and ultimate gain in the way of those races we consider best suited to live among us.

Respectfully submitted.

L. SILO GOTTLIEB.

The CHAIRMAN. Doctor Atkeson wanted to speak for just two minutes, and then we will call on Senator Shortridge.

**STATEMENT OF DR. THOMAS C. ATKESON, WASHINGTON, D. C.,  
REPRESENTING THE NATIONAL GRANGE.**

Doctor ATKESON. Mr. Chairman and gentlemen of the committee, I represent the National Grange in this city, the farmers' organization. This organization of farmers reaches across the continent from Maine to Washington and California, and it is made up of a great diversity of people and a great diversity of opinion on many subjects. On this particular subject there has been no great diversity of opinion on the part of our membership, and that membership comprises approximately a million people, inhabitants of the open country.

So far as I recall, the first action taken by this organization on the subject of immigration was in 1907 at a meeting held in Hartford, Conn. I regret I have not with me the resolution adopted, but at that time they took a position against the alien ownership of real estate in the United States. That was long before we were confronted with the problems growing out of the great World War.

From that day to this, I think, in every session of the National Grange some sort of resolution has been adopted dealing with the immigration question in its various relations. It is not my purpose, Mr. Chairman and gentlemen of the committee, to enter into a detailed discussion of this question. I said I would be satisfied with two minutes of the committee's time. But I want to read the resolution adopted at the last session of the National Grange; and if I had had forethought, I might have brought all the resolutions that have been passed since 1907. At the session of last November in Pittsburgh the National Grange unanimously adopted this resolution:

The Grange favors immigration laws which will make for more loyal Americanism and better citizenship, and urges such modifications of the present laws as will accomplish this end. We favor the substitution of the Census of 1890 for the Census of 1910 as the basis for the percentage immigration law should it be reenacted. We reiterate the previous action of the Grange asking for denial of permanent residence in the United States to aliens ineligible to citizenship.

I do not care to enter into a discussion of this question. I just wanted to say for the organization that there are some farmers in this country that are decidedly of the opinion that our immigration laws should be so constructed as largely to limit immigration, especially since the World War.

Senator COPELAND. Doctor, we have had farmers before us during the past two or three days urging that an exemption be made so that men who have had farm training could be admitted. What is the attitude of your organization towards that?

Doctor ATKESON. Well, I can only say it expresses its views in the resolution which I have read. I have heard of that argument. We are confronted with a good many difficulties when we attempt to make that sort of exemption. If they came to this country and went on the farm and the authorities could provide that they would stay there, but they migrate to the railroads or to the factories or somewhere else, and since this is a free country and its citizens can move from one place to another it seems to me that any limitations of that kind are impracticable, to say the least.

Senator COPELAND. The committee is seeking the light, and when the doctors disagree who is going to decide?

Doctor ATKESON. The suggestion has been made that they be admitted for farm employment, and that as long as they stay on the farm they might stay in the country, but that when they left the farm they would have to go back to where they came from. I could not indorse any such theory.

(The committee thereupon proceeded to the consideration of the Japanese phase of the immigration bill.)

## SELECTIVE IMMIGRATION LEGISLATION

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THURSDAY, MARCH 13, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee being in session pursuant to previous adjournment, further statements relative to certain general phases of immigration were received.

Present: Senators Colt (chairman), Keyes, Willis, Reed of Pennsylvania, King, Harris, and Copeland.

The CHAIRMAN. Mr. Marshall, the committee will hear you now.

### STATEMENT OF MR. R. C. MARSHALL, JR., REPRESENTING THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA, WASHINGTON, D. C.

Mr. MARSHALL. Mr. Chairman, if you please, I will say a very few words and then submit a statement. I see it is getting pretty late in the day.

The CHAIRMAN. You may submit any statement you please in connection with your remarks.

Mr. MARSHALL. Yes; I will do that, and then I will only take a very few minutes of the committee's time.

I represent the Associated General Contractors of America, which is an organization of between sixteen and seventeen hundred general contractors throughout the country. I am the general manager.

In making my statement I want to be very clear that I do not believe, and I am sure that the people whom I represent do not believe, in letting down the bars to immigration.

The CHAIRMAN. Are you directing your remarks especially to skilled or unskilled labor?

Mr. MARSHALL. To both. The statement that I will make verbally will apply particularly to skilled labor. The principal plea that I want to make is to the flexibility in the law so that the economic conditions of the country can be met as they arise.

The CHAIRMAN. That is not a new problem to us.

Mr. MARSHALL. No, sir. Last March a year ago I was before the committee and made a statement then with respect to apprenticeship, which I will not repeat now. The apprenticeship problem in the construction industry is a very important one and it is one that has had much to do with the rise of cost of construction. The price of construction to-day is about 220 as compared to 165 of average commodities.

The CHAIRMAN. I do not understand that.

**Mr. MARSHALL.** The price of construction is about 220 to-day as compared with the cost of products, which is about 165, compared to 1913.

In my judgment, to-day construction is probably the wild man of industry, and I think that the immigration question has much to do with it.

In June of last year I got reports from general contractors all over the country, who employed at that time 32,000 men asking them how many men they wanted in the several crafts, 15 crafts. They were then employing 32,000 and their needs were 42,000, approximately, in those 15 crafts. That condition has not materially changed. This year construction is faced with even a larger problem than it had last year.

The volume of contracts let in the two months of January and February is between 15 and 20 per cent more than the corresponding period a year ago.

The volume of construction work during the past year has been about \$7,000,000,000, which is the second largest single industry of the country. Its effect on the economic structure of the country is now, I believe, acknowledged by all economists as a barometer and may be the stabilizer of industry if properly controlled. It is not as yet properly controlled, if it ever will be, and the fact that its index price to-day is 220 as compared to the average index price of commodities of 165 is an indication of that.

**The CHAIRMAN.** You mean by that if you were going to consider good or bad business, the construction part is at the bottom of it and really regulates all that follows in a way? You say it is a barometer.

**Mr. MARSHALL.** It is a barometer of industry, and it may become the stabilizer. Economists have only recently come to recognize that fact. Therefore, needs with respect to labor are of more than passing importance.

The construction industry has two classes of labor. One is the skilled mechanic and the other is the common laborer. The skilled mechanic is made up from the apprenticeship and the apprenticeship either comes from the common labor or from our American born.

I have no doubt in my own mind that the shortage of mechanics now existing in spite of any statistics that might come from the governmental departments—that the needs of the contractors are more accurately reflected in the statement that I have just made, that in the month of June last these employers were 23 per cent short of a sufficient number of mechanics.

Just what the needs of the country are with respect to labor and with respect to immigration I shall not attempt to go into, because the committee has gone into that fully, but the situation is such that the law should contain a provision that will permit a committee or a commission or a proper department to have authority to say who shall be admitted so that when the economic fabric of the country is in jeopardy, or one of those great industries is in jeopardy, that situation may be met.

**The CHAIRMAN.** Your analysis of your position is that some commission ought to be intrusted with the power to admit labor when it is needed and to suspend it when it is not needed?



Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Flexibility is the word?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. If you were going to state the fact as to whether it is needed now or not, you reach a debatable question that we could sit here and take testimony on for a week, but in order to meet the economic needs of the country you say there should be some commission or board which will have power to make the law flexible.

Mr. MARSHALL. I will close with that, Mr. Chairman, and with your permission will prepare a statement and submit it, unless there are some questions you want to ask me in respect to construction.

Senator HARRIS. Of course, during the war building was deferred for several years.

Mr. MARSHALL. Yes, sir.

Senator HARRIS. That was because they could not use steel and certain other things that went into construction. Now, after the war we had several million unemployed for the first year or so. You think we ought now to let down the bars and let in all these people?

Mr. MARSHALL. No, sir.

Senator HARRIS. What is your idea?

Mr. MARSHALL. I think that some bar should be determined as a maximum number that will be let in. I do not think the bars ought to be let down, but I think there is some number that is a maximum number that should be let in, and within that number there should be flexibility.

Now, going back to this other subject that I was referring to, the President's unemployment conference turned to construction to cure that situation, and construction did cure it.

Senator HARRIS. You say a certain number. What is your idea about that?

Mr. MARSHALL. I do not know that I am competent to answer that, but I would say somewhere within half a million.

Senator HARRIS. You would include the present 3 per cent?

Mr. MARSHALL. It may be that the present quota is sufficient, but I would say that half a million would certainly answer the requirements.

Senator HARRIS. You do not think the demand for houses is going to be great in the next three or four years?

Mr. MARSHALL. Yes, sir. I was very much surprised to read an article in the American Bankers' Association in January, containing a statement that they were \$12,000,000,000 for construction short as of January 1. That is a tremendous amount.

Senator HARRIS. Then when we catch up we would have all of this extra labor on hand.

Mr. MARSHALL. The normal construction industry to-day, based upon the natural additions since 1913, would be between five and six billions. You can not stand an overload more than a certain amount without causing trouble.

The CHAIRMAN. Mr. Marshall, let me see if I understand you. Supposing you had a law fixing the maximum number at 500,000. Then you would lodge with a board the power to reduce that number at any time, or totally suspend?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. And then it would rest with the board to ascertain the facts of the economic conditions as to whether a given condition requires more or less within that maximum? Is that your proposition?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Now, you have made a good deal of study of this question and you are to prepare a statement. Will you finally prepare a statement supplementing your remarks upon that particular phase of immigration?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. I thank you.

(The statement prepared by Mr. Marshall for the record is here-with appended:)

STATEMENT OF R. G. MARSHALL, JR., GENERAL MANAGER ASSOCIATION GENERAL CONTRACTORS OF AMERICA, TO SENATE COMMITTEE ON IMMIGRATION.

The discussion of labor supply and immigration held within the circle of construction industry during the past two years has crystallized into a general belief that the bars against an expected influx of immigrants should not be let down. This conclusion is reached in spite of the fact that between 1910 and 1920 the building trade has sustained a loss in the number of workmen, according to the census report of those years. The census figures are not available to show how much of this loss has been overcome since 1920 but the present rate paid for building labor indicates that the supply is considerably short of demand.

The volume of construction carried out in 1923 was approximately 60 per cent greater than that carried on in the year of 1913 and it obviously overtaxed the building labor supply of the country. This is evident by the fact that the index of construction labor rates in January, 1923, referred to a 1913 base, was approximately 220, or, in other words, the wage scales have increased 120 per cent since 1913. At the present time demands are being made for still further increases and it now appears that the volume of construction projected will require these increases to be placed in effect. Additional building laborers, as well as mechanics, are needed to carry on successfully the annual construction program.

Thus briefly may be outlined the conditions with respect to labor requirements which are almost universally recognized in the construction industry. The natural tendency of construction employers under these circumstances might be to ask for a complete let down of the bars to immigration, but no such action is desired. They do urge, however, that immigration laws functioning somewhat along the lines of the Canadian laws be passed in order that an intelligent selection of immigrants can be made. It is earnestly hoped by the construction industry that the law will provide some agency, possibly a commission composed of the heads of the Departments of Labor, Commerce, and Agriculture, which will authorize the entrance of classes of labor as the need of industry expands, or shut off immigration completely in the event of widespread of unemployment.

Some maximum should obviously be set, possibly 500,000 annually, but a more important feature is to insure that when one industry is overloaded with labor and another badly in need of labor, only those qualified for the undermanned industry be accepted. The facilities for gathering information are no doubt sufficiently established to enable any properly functioning authority to determine whether additional workmen are needed for a given industry.

Incidentally, the construction industry, in great measure through the shortage of labor, did not take its deflation with other industries in 1920 and 1921 and is still carrying on at an unsafe level of cost. If no effort whatever is made to increase the labor supply it appears inevitable that before long the costs will mount to such a point that a depression must follow. By a gradual increase in the number of workmen this industry can no doubt be eased down from its unstable condition without a collapse.

If such action can be brought about, it will undoubtedly save the owners of housing facilities in the United States hundreds of millions of dollars.

Some twenty billion dollars' worth of projects have been built at excessive costs in the last few years, and a sudden break in the industry, which can easily be induced by the scarcity of construction labor, will mean a wholesale deflation. This deflation will not be borne by those who built these projects in the high market as a speculative venture, because they are now in the clear, but will be borne by the thousands of citizens of ordinary means who have acquired these projects.

Labor shortage and wages are, of course, not the only factors contributing to the high cost of construction to-day, but at the present time it is one of the most important.

An important factor in the shortage of building labor appears to be the tendency of educational methods which lead the younger men away from the skilled trade into the clerical positions. These boys have almost ceased to enter the trades as apprentices and the entire supply must come, either from existing common labor or from immigration. The nature and the deficit of unskilled building labor preclude any immediate relief through their training for the trades.

A great amount of work is now being done by contractors throughout the country in establishing trade schools and encouraging young men to learn a trade; however, these apprenticeship courses to produce real mechanics require three or four years and are obviously a slow means of correcting the present situation.

The Associated General Contractors for over three years have been exerting every influence possible to lengthen the construction season and perform winter construction so that the construction labor supply could be most effectively utilized. One of the principal objects of this move was to keep within the construction industry all those who had been trained to perform its operations and not allow them to be taken by other industries on account of seasonal unemployment. Efforts along this line are fast receiving the cooperation of engineers, architects, and public officials but it also is a slow process as a great amount of educational work must be done to overcome the existing habit of seasonal building.

This conservation of labor, as well as the training of apprentices, is necessary to the orderly progress of construction, but when the industry is running at 50 to 60 per cent overload, they are obviously incapable of influencing to a great extent the immediate situation.

The only immediate relief appears, therefore, to lie in some sort of a selective law which will allow the entrance of building mechanics and building labor already trained. Some of the European countries have a surplus of workmen especially adapted to this industry and these men could be used with great advantage to the country without lowering the standard of living of the employees of the United States.

It appears certain that there should be some agency capable of analyzing the economic conditions of the different industries and ascertaining whether that industry is justly entitled to some relief in the matter of immigration. As long as no such agency exists, there is constant battle between the opposing groups of labor and employer.

Either of these groups, if allowed its way, would produce industrial conditions detrimental to the entire country. Some employers would bring in laborers by the millions until almost any workman would be glad to sell his services for 15 cents per hour. On the other hand, there are many men in the ranks of labor who would stop all immigration and exercise a rigid birth control in hope of reducing the supply of labor until the unskilled workman commanded a higher compensation than that received by the managers of industry. In between these two extremes there must obviously be a policy that will most adequately protect the welfare of the entire population of the country.

The placing into effect of any policy of this nature presumes the careful study of industrial conditions in the different industries and a total absence of any political or party consideration. Any commission which guided such a policy would be obliged to deal with one of the newest and the most difficult of sciences, that of economic and industrial relations.

In the construction industry probably 80 per cent of the activities of management are concerned with the labor question and it is the firm belief of those who have been studying this problem that a selective immigration policy administered by an agency capable of intelligent determination would eliminate much of the useless strife now occurring, not only in construction, but in many other industries. Through the functioning of such an agency the opposing conten-

tions of workmen and employers with respect to labor supply could be impartially investigated, and in many cases made compatible. When worker and employer agree upon an immigration decision at the present day there ceases to be an immigration problem.

The CHAIRMAN. We have a delegation, I think, from Pennsylvania that will get here at half past 2, and the committee will now take a recess until that time.

(Thereupon, at 1 o'clock p. m., the committee took a recess until 2.30 o'clock p. m.)

#### AFTER RECESS.

The committee met at 2.30 o'clock p. m., pursuant to recess.

The CHAIRMAN. The committee will come to order. We will hear from Judge Lewis.

Mr. LEWIS. I would prefer, if there is no objection, that Mr. Billikopf speak first.

Senator REED of Pennsylvania. I might say to the delegation that is here that the Senate has now under consideration in executive session the treaty with Great Britain on liquor smuggling. It is a matter of a good deal of international importance, and all these gentlemen are anxious to get back to it, and I have told them both of you, Judge Lewis and Mr. Billikopf, are distinguished for the brevity with which you can state your views.

#### STATEMENT OF MR. JACOB BILLIKOPF.

Mr. BILLIKOPF. I appreciate enormously the courtesy which you have extended to us to speak to you this afternoon.

The CHAIRMAN. I might say that your Senator is in part responsible for that courtesy.

Mr. BILLIKOPF. I understand that, and we have already thanked him profusely.

By way of introduction, I want to say that I am an immigrant, having come to this country at the age of 15. I came here, as have tens of thousands of other boys and girls, in search of economic freedom, of educational advantages, and more particularly in search of spiritual possibilities. Therefore, I feel I can speak on the subject subjectively.

Then, again, ever since my graduation from the university, where I paddled my canoe as have thousands of other immigrant boys and girls, I have been literally associated with tens of thousands of immigrants of all races and creeds and I feel that I can approach the subject more or less objectively.

I want to say at the outset that my associates, who represent a large number of civic, fraternal and philanthropic organizations in Pennsylvania, comprising, possibly, a hundred thousand self-reliant and self-respecting American citizens—that my associates and I are very vigorously opposed to unrestricted immigration; that is, we are opposed to the type of immigrant whose physique and mentality are impaired; to the immigrant with criminalistic tendencies, to any man or woman who comes with ideas or ideals which are not in harmony with the ideals governing our own country.

Nevertheless, we feel that the so-called Johnson bill, and the bill tentatively projected by your own committee, are too rigid. We

feel that the existing emergency quota law under which we are operating to-day excludes all of the categories above mentioned and that it makes ample provisions whereby the best interests of our country are conserved.

I take it that the fundamental principle underlying any restriction is predicated upon the fact that we have a number of persons in this country who are not readily absorbed in the body politic; therefore, we do not wish to bring in any additional element which will complicate the situation.

On the basis of my vast and varied experience throughout the entire country and covering a great many years, I want to make the emphatic statement that the new immigrant adapts himself or becomes assimilated with infinitely greater rapidity than is commonly supposed.

During my many years' experience in social service work I have, together with my former associates, placed nearly 150,000 immigrants at various jobs. Some years ago the late Mr. Jacob H. Schiff, of New York, spent a large amount of money for the purpose of educating the prospective emigrants that New York City, Boston, Philadelphia and other seacoast towns did not constitute all of America; that there was a great stretch of territory in the South, West and Southwest where the immigrant could find suitable employment and become happy. It was my privilege to be officially associated with the Galveston movement whereby immigrants were diverted from Galveston throughout the South and Southwest.

Senator COPELAND. Did they land there at Galveston?

Mr. BILLIKOFF. They landed at Galveston, were distributed throughout the South and West, and, in turn, attracted friends and relatives who had settled in the crowded eastern cities. We found employment for some 20,000 such immigrants within a period of three years and placed them in some forty different trades and occupations.

With the assistance of a noted economist, who represented at that time the Bureau of Labor, I made an intensive analysis of what had become of these immigrants after they had been in this country several years. And what I shall say of this group is true also of other groups in other parts of the country. We found that while the majority of them, on their arrival, were shabbily dressed, poorly nourished, and uncouth in their exterior; that while some of them were radical in the sense that in their native countries they suffered from discontent and could not adjust themselves overnight to new American conditions—that at the end of four or five years, when the study was made, all of the immigrants were happily employed; their children were attending the schools; no one was dependent on private or public charities; a number purchased homes on the part-payment plan, and there was universal contentment with their new surroundings.

Senator COPELAND. What proportion of them did remain at Galveston and vicinity?

Mr. BILLIKOFF. I should say possibly 75 per cent of them remained. Some were attracted to the crowded East. Some returned to their native lands; but those who remained served in turn as a nucleus, attracting friends and relatives from New York, Philadel-

phia, and elsewhere, so that the number that left the so-called Galveston territory for the East was balanced by an equal or even larger number of those who were recruited from the eastern cities.

Senator COPELAND. How many of them went onto the land? How many became farmers or agriculturists of some sort?

Mr. BILLIKOFF. I should say very few. Almost all of them—I would say easily 90 per cent—went into such industrial pursuits as butchers in Kansas City, Mo., and Sioux City, Iowa; machinists in the Santa Fe shops, in Topeka, and other parts of Missouri; shoe-makers in St. Louis and Milwaukee, etc.

Senator COPELAND. When you spoke of the 20,000 at Galveston under the Schiff experiment they were all Jews?

Mr. BILLIKOFF. Yes; they were all Jews.

Senator COPELAND. Russian Jews?

Mr. BILLIKOFF. People coming from Russia, Galicia, Poland, and elsewhere.

Our study revealed this extraordinarily interesting fact. Out of that entire group we failed to find a single one who remained an extreme radical. Just then the late Walter Page visited Kansas City, where I resided. Mr. Page was kind enough to seek information from me as to the organization of our board of public welfare, the first of its kind in the United States, which was run along non-political lines, and of which I had the privilege of being president. He wanted to know something about its composition, with a view of introducing a somewhat similar form of organization in the board of education in New York City, in which he was deeply interested at the time.

When Mr. Page had finished questioning me I mentioned to him this interesting revelation, namely, that out of all of these Galvestonian immigrants I failed to find anyone with extreme radical tendencies. He then told me this little story, which throws an enormous amount of light on the entire question of radicalism in this country.

Balzac had a valet by the name of Alphonse, who for 14 years had belonged to a communist organization in Paris. He had never absented himself from a weekly meeting. Balzac, discovering that his valet had failed to attend a number of consecutive meetings, possibly eight or ten, directed this inquiry:

Alphonse, how am I to account for the fact that you have been negligent in your attendance at the socialist meetings; that you have disassociated yourself, apparently, from the organization?

To which the valet replied:

You see, my master, at one of our recent meetings we computed the amount of wealth in France, and dividing it equally among all the people, we found each would get 200 francs. But then, master, I have 500 francs in the bank, so why should I be a member of the Socialist Party, which would despoil me of 300 francs?

The moral is obvious. The moment the immigrant enters our night schools and acquires the rudiments of the English language; the moment he acquires a little competence; the moment he sends his children to school, the moment his boy goes to the high school or university, which privileges were denied him and his children in his own country; the moment he pays a small amount of money, be it only \$50, or \$100, as a part payment on a little house—that moment

all his radicalism evaporates and he becomes a full-fledged and law-abiding member of the community. You have no idea how grossly exaggerated are the reports relative to the amount and gravity of radicalism among the foreign born in this country. So much for that.

I do not have to tell you that there is no set of people in the country among whom the passion for education is as powerful as among the immigrants, who will deny themselves almost anything to give their children an education.

There is a great deal of talk nowadays as to what constitutes a good American citizen.

If Americanism involves birth in this country, or ability to speak the English language without the trace of an accent, which I am sorry to say I can not do, then I am afraid that many of us never will become Americans; but if Americanism implies the spiritual adjustment to everything that is finest and everything that is precious in our American life, then I would say that the immigrant in the main does become a good American; that the immigrant has made a notable contribution to our civilization. \*

Having given expression to a generalization, I will buttress it by a few concrete examples. Mr. Louis Marshall, at a hearing before a congressional committee, spoke of notable men of the type of Marconi, Tesla, Steinmetz, and Michael Pupin, who did not belong to the Nordic group and might have been excluded under the proposed law. Quite true; but I shall add a word regarding the humble, undistinguished immigrant; the one whose achievements are not recorded in the newspapers, whose accomplishments are not heralded from the housetops. I am interested in the great mass of uncouth-looking and apparently uncultured people who are, fundamentally, Americans.

Let me illustrate. My mother is an aged person. She can not speak a word of the English language. Unfortunately she came here at a time when the acquisition of a new language was very difficult. She is un-American in that she does not conform to the latest style of dress. She is un-American in that her table manners are not perfect; but she is spiritually American, because she has slaved all her life to give several of her children a collegiate education; because she has striven to make of them useful men and women. Only recently I received a letter from her pleading with me to pursue the work in which I am engaged, a work in the interest of those less fortunate than ourselves, the work of social service, and that I should not confine my efforts to any particular group or nationality. And there are tens of thousands like my mother in this country.

I have a brother nearly 55 years of age whom I had not seen for about 20 years. I thought he was killed during the massacres in Russia. He came to this country four months ago, arriving at Ellis Island. Having suffered untold agonies, he was uncouth looking; his exterior was against him. Judging him by externals you would naturally suppose that he was not the kind of a man to become Americanized.

A representative of the American Relief Association located him in the Ukraine some 18 months ago, and the first appeal he sent to me was this, "Please urge my brother to send me an Anglo-Russian

dictionary," which request I readily met. You should have heard him speak the language on the day of his arrival. He spoke a broken English, of course; but he conversed pretty freely with my wife, who does not speak Yiddish or Russian, being native born. In the last four months my brother has acquired the English language with such rapidity that I beg of you to read a letter which I am prepared to send you, a 15-page letter, written in exquisite English and in which he gives his analysis and reaction to things American. I challenge any one, be he a Phi Beta Kappa of Harvard or Princeton, to express himself as freely and as soulfully as my brother did regarding things American. In his letter my brother quoted from the writings of Abraham Lincoln and Theodore Roosevelt in his appreciation of what America means to him. And he is typical of thousands of others.

About a year ago I visited Elmira, N. Y., for the purpose of raising funds for foreign relief. I addressed a crowd of about 500 or 600 people, and in that audience there was a strange-looking individual, his hair unkempt and very poorly dressed. I turned to the chairman and inquired: "Who is that man?" He was a huckster, a peddler, of the type you see in the large urban communities. "I suppose he came to hear you speak," was the comment.

When I concluded my appeal in behalf of the anemic, underfed children in the Ukraine and elsewhere this man, in broken English, but in a voice full of emotion and filled with tremor, got up and made this statement:

I came to the United States about 15 years ago. I am the father of seven children. My oldest child was a boy. When the war broke out I said to him, "My son, I want you to enlist and fight for the United States. This country has been wonderful to us." And he did enlist. He gave up his life on the battle field of Flanders.

This morning I received from Washington a check for \$250, which is the first payment toward the insurance which was carried on my son's life. I am not going to keep this money—

And, by the way, Senator Reed, this will appeal to you, as one who is interested in the bonus—

I will not keep this \$250. Nothing in the world can compensate me for the loss of my son. I will give it to you to give to others who are less fortunate than myself. Nor do I propose to keep a single penny of the additional money that will come to me.

Now, gentlemen, I have given you three types. They are not drawn from books of fiction. They are not among the distinguished Americans, but they are the humble type of Americans whom so many of us misjudge on account of externals. If I understand the word "Americanism," these men and women are possessed of that kind of Americanism which means a spiritual appreciation of that which is finest and best in our American life.

The contention I wish to make is simply this: There has arisen in recent months an enormous amount of hysteria on the subject of the adjustability of the new type of immigrant. I am not here to say he is a paragon of all the virtues. A former teacher, a Baptist, and a saintly man for whom I have made provision in my will as an expression of gratitude for his influence on my life, this saintly man said once in his baccalaureate sermon:

The deepest tragedy in all social and religious endeavor is the constant undoing of evangelized souls in unevangelized surroundings.



Thus in our slums, on account of seasonal occupations, poor housing, lack of law enforcements, etc., certain excrescences arise. And yet if you had gone with me last Sunday night to the Academy of Music in Philadelphia and watched the procession between the hours of 6 and 8 of those clamoring for admission to hear the wonderful orchestra led by Stokowski, you would have found that 80 per cent of these in line were young Italians, Poles, and Jews; if you were to go to Carnegie Hall to hear Heifetz or Mischa Elman, or any of the great virtuosos, you would find in long lines thousands of immigrants waiting patiently for an opportunity to gain admission. Why? Because they are clamoring for that which is fine and beautiful and artistic in life. Oh, it is by these and not by artificial standards that we want you to gauge them.

It is unfortunate that there has arisen a great deal of hysteria, much of it caused by fugitive articles written by journalists who, after a stay of one or two weeks in Poland, Rumania, or Galicia, have attempted to interpret the soul and make-up of a people upon the most inadequate data, upon the most insecure and unscientific observations.

I venture to say that if Montesquieu or Lord Bryce were to come back to earth and their perspicacity was unequalled, and if they had the literary powers of a Hardy, Galsworthy, or a Bernard Shaw, they could not, to save their lives, after a visit in this country of only four or five weeks, or even months, give a satisfactory analysis of the American type.

I have lived in San Francisco, in Missouri, and in the East, and I find that there are so many divergences that a person coming from abroad can not appraise as on the basis of a few months' study of our manners, customs, laws, etc. And yet, on the strength of hastily written articles by immature students, we predicate our convictions as to the character of the immigrant as he is found in his native home. For that matter, the data gathered in behalf of the so-called Nordice race theory are assailed by eminent scientists.

It seems to us, then, that pending our attempt to gain further knowledge—economic, anthropological, and sociological—we ought to follow the judgment of Mr. Louis Marshall, the great constitutional lawyer, and who probably understands the immigration problem as well as any living person—that there should be appointed a commission to make a thorough and scientific appraisal of the situation and bring a report to Congress two years hence. In the meantime there should be no further limitations on the present quota, because the existing emergency quota under which we are operating, and with a few human features introduced into it—to obviate some of the tragedies such as we have experienced—will take care of the situation and fully protect our American interests. By “humanizing features” I mean that, in addition to the present 3 per cent quota, immediate relatives of citizens or declarants be allowed to enter the country without coming within the quota.

The CHAIRMAN. Don't you think the fact of the patriotism shown by the alien races during the war is a practical fact?

Mr. BILLIKOFF. Yes, sir.

The CHAIRMAN. Going to show how liberty and opportunity here are assimilated even in support of the political union in America?

You are saying that these writers have not a sufficient knowledge of the facts; that their observations are based on insufficient data. Isn't that the fundamental fact?

Mr. BILLIKOFF. That they haven't that knowledge?

The CHAIRMAN. Isn't it a fundamental fact that, with 40 foreign groups here when the war broke out, we exhibited, with these groups taking part, a higher degree of national unity than any nationality on the face of the globe?

Mr. BILLIKOFF. I would say unqualifiedly so.

Senator COPELAND. I would like to add this to what the witness has said. A friend of mine, a member of the library board for a long time, told me that the branch libraries which are located in the Jewish section have the largest percentage of demand for books of high type, not trash, but books of high quality, which is a notable distinction to branches in sections where so-called Americans live, where the demand is for a very inferior class of literature.

The CHAIRMAN. I am impressed with this witness's testimony as to the average man who comes over here. I am very much impressed with what you have said with regard to the ordinary man, the ordinary members of your group. You know you have dwelt on that.

Mr. BILLIKOFF. Yes, sir. I will just conclude by saying this. At a dinner given to Senator Reed and Senator Pepper by some 500 ardent admirers in Philadelphia a few weeks ago, and at which I had the privilege of speaking on immigration, I made some reference to General Atterbury, one of the greatest industrialists in our country. At the conclusion of the dinner he said to me:

I am impressed with what you have said. You have given me a new angle on the situation, but I want to say to you in all fairness that the reason I am opposed to the immigrant is on account of the prevailing radical tendencies among them.

And he proceeded to mention the fact that a certain paper published in Yiddish, with a circulation of 120,000, was, according to his best information, of Bolshevist tendencies.

I was able to refute that statement. That particular paper, called the Vorwaerts, has for two or three years been fighting as strenuously as it could the policies of the Lenins and Tchitcherins. For one week I read the paper in the original to determine to what extent it was communistic, and I sent General Atterbury only day before yesterday a letter in which I gave him an epitome of the articles which appeared on two successive days. If you will bear with me for a moment, I shall give you a synopsis of the contents of that supposedly "vile Bolshevik paper."

On the first page of the Vorwaerts, as of March 10, there was news of the day. On the second page news of the day and advertisements. On the third page, a lengthy article devoted to "unemployment insurance in the cloak and suit industry," an article "On the latest developments in the oil scandal"; "A story of a Belgian princess who sacrificed everything for the sake of a love affair," was another feature story.

On the fourth page two columns and a half were devoted to a synopsis of Secretary Hughes's eulogy of President Harding. An editorial entitled "MacDonald's friendly letter to Poincare and the

latter's most sympathetic reply," and "A tribute to the late Dr. P. Rosenthal—a noted economist." A three-column article devoted to music and the legitimate drama, an article headed "Warning to parents—Don't allow your children to gamble with slot machines in candy stores, because they are a menace to the morals of children," was not impressively written.

On the fifth page "A letter from Hungary dealing with the social and economic conditions in that country." Another one, "A visit to the library and museum connected with the New York police department." There was a continuation of a serial love story, the theme being the adjustment of the immigrant to our American life and American environment. A criticism of Mussolini's administration, with special reference to the coming elections in the Italian Parliament; an article on how to acquire citizenship papers, a column and a half in length, and, by the way, during the past year, this paper had seventy-five citizenship articles which were gotten out in book form, both Yiddish and English; letters to the editor—all dealing with household matters, such as legal advice, etc. Pages 6 and 7 advertisements, all respectable, and of a high quality.

Page 8, half of it devoted to a pictorial section, such as we find in the Evening Ledger and the Evening Bulletin in Philadelphia, and the balance to purely local news.

This, supposedly, radical paper! Almost all the other Yiddish papers are conservative. Seventy-five per cent of their articles are devoted to distinctly American news and 25 per cent to a recital of things that are happening in Europe, so that the immigrant who has home connections need not suffer from ennui and nostalgia. A great paper like the Jewish World, published in Philadelphia, is 100 per cent uncompromisingly American.

I have dwelt on these facts in detail because even so far-visioned a man as General Atterbury bases his conclusions on imperfect information.

Senator COPELAND. Mr. Marshall told us of his experience in the war, and he spoke of the tremendous amount of enthusiasm and patriotism displayed by the editors of those papers with reference to these problems.

Mr. BILLIKOPF. I thank you more than I can possibly say, considering the fact that you have had so many people before you, for listening to us on this subject.

The CHAIRMAN. Are there any other representatives here?

Senator REED. Yes; we would like to hear from the judge now.

#### STATEMENT OF HON. WILLIAM LEWIS, JUDGE MUNICIPAL COURT, PHILADELPHIA, PA.

Mr. LEWIS. Gentlemen, I merely want to say this: If any impression is to be made upon you at all by us as witnesses, I would much prefer that the impression that I know must have been made by Mr. Billikopf's talk remain with the committee rather than anything I can add to disturb it.

Perhaps, to be fashionable, I should introduce myself. By the accident of birth I am one of those who was on the other side when he first opened his eyes. I landed in Philadelphia February 1, 1887.

I have often looked back upon that day as my birthday—the day that I landed in Philadelphia. The day after, I went to school.

Senator REED. The second day after you landed?

Mr. LEWIS. The second day afterwards I was taken to an American school, the like of which I had never seen in my 13 years of life on this earth. From that day on, for several years, night and day, attending both night and day school, I went through the courses in that wonderful American institution—the public school.

I studied law in the law library of the city of Philadelphia, Senator, because I did not have the funds with which to attend the university law school.

Senator COPELAND. How long were you in the public schools?

Mr. LEWIS. Four years, and then three years in the high school.

Senator REED. Where were you born?

Mr. LEWIS. Russia.

Senator REED. Did you speak any English when you arrived?

Mr. LEWIS. Not a word.

Senator COPELAND. Did you finish the high school course?

Mr. LEWIS. I left toward the end of the junior year. Upon the very day, gentlemen, when by law I was entitled to apply for it, I was admitted to citizenship in these United States of America.

Perhaps you will think it worth while, in connection with the subject under discussion, when I state, apropos of what has already been said here, that with regard to the desire of the foreigners to learn the English language, American history, and American government, during my student years I earned my living—my parents both having died before my arrival in this country—by giving English lessons to other and later arrivals in this country. Workers in the factories and shops eagerly sat up late into the night studying elementary English and paying me for teaching them. I was admitted to the bar in Philadelphia and practiced law, I hope in a creditable and honorable manner, and in February, 1922, I was honored by an appointment and last November, in a city-wide election, was elected as one of the judges of the municipal court of our city, a court having both civil and criminal jurisdiction, including exclusive jurisdiction in all juvenile cases and domestic relations cases.

Senator COPELAND. I am sorry we haven't you over in New York in the Democratic Party. [Laughter.]

Senator REED. You can't have him, Senator. We are going to keep him.

Mr. LEWIS. Please pardon these personal references. They are not exceptional. Thousands of foreign-born Americans can make, and I am sure have made, a better showing. It so happened during the period of the war that I was counsel for an association of manufacturers of women's and men's garments in Philadelphia, and having been on one of the committees in our city charged with obtaining subscriptions for the various Liberty loans I devoted considerable time for that purpose among foreign-born Americans. I went from factory to factory and from shop to shop and there, with very little difficulty, obtained a 100 per cent subscription; the enthusiasm displayed and the patriotism evinced were inspirational. By far the great majority of the workers, men and women alike, were foreign

born, but they knew and showed by their subscriptions that they appreciated and understood what it meant to live in America and be Americans.

I do not want to take up any more of the time of this committee. I felt I owed it to my country to come here and to say to you, just as I said this morning to our own distinguished Senator from Pennsylvania, that, having been given the opportunity after landing as a greenhorn at the wharf in Philadelphia, of drinking at the fountain of American ideals, American Government, American institutions, to the point of being intrusted with judicial honor and responsibility, that I add a word in the nature of a plea for a continuation of that opportunity for others alike deserving.

I agree whole-heartedly with Mr. Billikopf—I am not arguing in favor of unrestricted immigration. I am opposed to anyone coming here who can not and will not be assimilated with us, or who will not undertake to understand our point of view and the spirit and ideals of America. But, speaking for this delegation and those whom they represent, whose meetings I have addressed time after time, always upon an American subject, I say to you that America has not been the loser by their being here, and others like them will be a desirable acquisition to our people and our country. Let the present law remain until such time as we can have a report of a commission appointed to investigate the subject of immigration in a scientific manner, and let us then enact a permanent measure which will forever declare not an emergency but an American policy of immigration to our shores.

May I not thank you, Senator, and gentlemen of the committee, for the few moments that you were kind enough to give me?

The CHAIRMAN. The committee will stand adjourned until tomorrow morning at 10.30.

(Whereupon, at 3 o'clock p. m., the committee adjourned until 10.30 o'clock a. m., Friday, March 14, 1924.)



## SELECTIVE IMMIGRATION LEGISLATION

FRIDAY, MARCH 14, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment on yesterday, at 10.30 o'clock a. m., in the Committee room, the Capitol, Senator LeBaron B. Colt presiding.

Present: Senators Colt (chairman), Keyes, WiHis, Reed of Pennsylvania, and Harris.

The CHAIRMAN. The committee will come to order. Major Blair, we will hear you.

**STATEMENT OF MAJ. GIST BLAIR, UNION TRUST BUILDING, WASHINGTON, D. C., CHAIRMAN OF COMMITTEE OF DISTRICT OF COLUMBIA CHAPTER. MILITARY ORDER OF THE WORLD WAR.**

Mr. BLAIR. Mr. Chairman and gentlemen, I come here in the interest of the officers of the World War, the chapter that is in the city of Washington, which represents in reality officers from all over the country, and at the instance of their meeting yesterday, when it was decided that this matter was so important that they should send a committee here to present their views on this very vital question. I presume that, as we have just heard, the phases of this question have been so much gone into that what is said by us will be limited to questions of which we are supposed to have some knowledge.

As a member of Major General Crowder's staff, the provost marshal general, in the administration of the selective-service law, I happened to have the great privilege to come in contact with that law, how it is introduced, and the vast foreign population throughout this country. Of course in an emergency such as may occur in the future, as in the past, that the vast foreign population would become homogeneous and be able to be mobilized is of great and vital importance, not only to the so-called descendants of the early settlers but to all who come to this country and live here.

In addition to the selective-service law we outlined an organization built up of industry and of life. General Crowder's plans included the organization of the entire country for war. That was before us, and the primary steps were taken. I was on the committee of three with which we started that organization, with a map such as

you see there, and a card index system, preparatory to what might occur in the future.

Now, it is of importance to every one of us, whatever our racial antecedents may have been, that if we face a great and vast emergency we ought to work harmoniously together. The point that we desire to make is that such action is very important, and these restrictions unquestionably are most vital in helping that along. You can not have large numbers of a population come here who will not move in harmony with the other portions of our country.

Now, when these foreign populations were brought into contact with the selective-service law, physical examination, giving them orders, moving them from one section of the country to the other, transportation, when they got into the various cantonments to become soldiers, when they failed to understand the English language, when they did not know what the doctor was asking them, when they were told to go to certain points and they could not go—in others words, when they had to be taught the language that we speak—and I especially avoid the use of “English language,” because the American language at present has a great many differences from the English language. We are as different from the English language in many respects as the dialects of the great northern countries, including Sweden and Denmark. We are almost becoming a dialect of the great mass of English-speaking peoples.

Now, that was a very grave difficulty that we had to contend with in the organization of the Army that went overseas, and which General Crowder and our staff had to contend with.

Now, this restriction of these nations that do not speak the language that we understand, coming here, is introducing an element which in a time of emergency will constitute a very grave menace to the powers of the country to organize vitally to defend itself when such an emergency comes and which we know will come. We wish to bring them before the committee, and also to take up—

Senator REED of Pennsylvania. Before you leave that point, what do you recommend shall be done to the immigration law to meet the situation that you speak of?

Mr. BLAIR. Well, I would recommend that the exclusive features be as much restricted as possible against the people who are not able to become a part of our homogeneous mass. I do not wish to be put in the position of being an advocate of any distinct racial element as against another racial element. I see no reason why people who come here—for instance, there are quantities of Germans who come here who speak our language. I have been in Germany, in a great many places, and I have been surprised—this was before the war—how many Germans I met who could speak English. It is taught in the public schools. And we know, for instance, in Switzerland; the hotels of the world draw from Switzerland many of their employees, because the languages in Switzerland are almost universally spoken.

Senator REED of Pennsylvania. Do you recommend, then, that immigration be limited to those persons who speak English?

Mr. BLAIR. I would recommend that a quota of that kind should be worked out so that those immigrants that come from the nations or the different lands who are in our so-called own blood. I do



not like that term; I only use it to explain what I am trying to explain—who speak our language. I do not like the term “English language.” I have been in England a great deal, and I find that the intonation in many parts of England is so different from our intonation; if you read the language you can read it very well, but if you get up in the north country of England you can hardly understand a man talking to you.

The CHAIRMAN. Is not that so in Spain, with regard to the southern Provinces?

Mr. BLAIR. I think it is.

The CHAIRMAN. And isn't it so in France, with regard to the southern and northern Provinces?

Mr. BLAIR. Yes; I think so.

Senator REED of Pennsylvania. I am trying to get at the particular clauses that you would write into the law or strike from it if you were redrafting it.

Mr. BLAIR. I would have it requisite in the law that the people who come from the non-American speaking nations should be required to speak our language or to read it. Then they can come here, and in the event of an Army being organized such as we did organize—one of the greatest things that was ever accomplished—we will not have to stop to teach those people the tongue that we are talking here to-day.

Senator REED of Pennsylvania. Then as a practical matter what you would do would be to change the literacy requirement in the immigration law of 1917 to mean literacy in the English language as spoken in America?

Mr. BLAIR. I certainly would, sir. And that, without discrimination against any racial group, will indirectly accomplish what so many of my friends and people we have talked to desire to bring to pass, the admission of the northern people. They will fill their quotas very readily. Then the quotas from the other nations will have to be filled by people who are already taking elementary steps to become American citizens.

The CHAIRMAN. Major, you spoke of Switzerland. Now, political unity is what we want here. In Switzerland they have the highest degree of political unity, and of patriotism, and yet Switzerland is made up of the German, the Italian, and the French. The laws are published in the three languages. So, possibly, diversity in language is not inconsistent with the strongest political unity. It may be a barrier. I admit there is great force in what you say, when it comes to mobilizing for war, etc.

Mr. BLAIR. Well, Senator, I am only here to testify to my own experience.

The CHAIRMAN. I did not mean to interrupt you.

Mr. BLAIR. It was a very interesting experience, and I can only add that it has never really been published to the United States. The struggles that we went through—we sent out letters in all languages. And it is hardly advisable to say this without adding that while this barrier—it is a very apt word you have used—arose in the administration of the selective service law, I think it is a mistake to think that any foreign people fail to answer to the flag. If I can trespass upon your good nature to divert a little, I can remind you that the Japanese in Hawaii and in those islands filled

by volunteers the quota, so that the selective service law was never applied to them. We omitted to include some of the American Indians, and a great delegation came down there to us to protest against the failure of Uncle Sam to call them to fight in his cause.

Now, the next point I want to make is from the labor point of view. Our laboring masses to-day are enormously benefited by this restricted immigration. It is the most important thing that it should be continued. The laboring people of this country are now bringing about what has been termed a bloodless revolution. We see the unrest and the dissatisfaction all over the world, except, perhaps, in our America. The laboring man is entitled to the fruit of perfection which is coming to us in the vast accumulation of wealth that is coming into this country. And it is not fair that this country, situated as it has been, should now fail to recognize and continue to distribute among our laboring masses this so-called unearned product. I do not mean that I am in favor of unfair discrimination so as to advance labor, but I do not think any of us will fail to see to-day how wonderful the conditions in America are when we compare them to the conditions in England, where there is enormous unemployment, and in some other countries. We might by an increased immigration overturn the good conditions that are now existing, and bring in an alien element which will not benefit the society of which we are a part, and at the same time prevent this distribution of wealth among these laboring classes, where, if they own their own homes—for instance, a man coming up here with me to-day said, "A man ought to own his own piano." Why shouldn't he? When he has his piano and his home and his wife and his children going to school, he has got a stake in the community. He becomes a self-respecting citizen.

I was up through Maine a great deal last summer, and I met a number of laboring men up there. Some one said that the great value up there was prohibition; that they were so much better off than some other sections of the country—I mean industry, not agriculture. No, he said, it was not prohibition. That may have contributed to it, but the fact was that the increase in wealth that had gone into the laboring classes had given them all a stake in the community, had made them self-respecting, and they had better clothes, better education, their wives and children going to church, and it had been of most infinite value.

The CHAIRMAN. Made them capitalists?

Mr. BLAIR. Exactly. If you want to put it that way, I will accept it.

Senator REED of Pennsylvania. May I interrupt you for a moment? Mr. Chairman, I am required to go back to the Committee on Finance.

(After informal discussion relative to further hearings:)

Mr. BLAIR. Gentlemen, I only have one more point which I want to call your attention to. It is a scientific biological point that has been most extraordinarily brought out by a book recently published, Mankind at the Crossroads. It is by a Harvard professor, and it speaks largely of the birth rate in connection with immigration into the United States. The birth rate of our so-called American population has steadily decreased, and that decrease in the birth rate among our own people in connection with the large increase in immigration from outside sources is by him traced so as to be explained

by the absorption in America of the opportunities for livelihood. Now, since immigration has been restricted the birth rate in America has unexpectedly increased. This book is a very erudite and interesting story. He shows that mankind has constantly absorbed everything that means subsistence, reaching as it does to all opportunities of living; that the opportunity for man to obtain a proper living in the world is rapidly passing away; that particularly is that true in America; and that with this great mass of people coming from outside we are ourselves depriving our own progeny of their chances to grow and increase and improve.

Now, this is a very vast subject, and it means that our ideals of American life and its aspirations, which we think are so worth while, will necessarily be circumscribed and limited if the birth rate of the people who have absorbed those feelings and thoughts from the other parts of the world and have settled here—if that birth rate is decreased by the influx from people outside.

I only want to say in conclusion that you gentlemen have had much more experience than a man like myself in matters of this kind. I think the first point, of all things, is restriction; first, restriction; then quality; and, third, assimilability. Assimilability is language, the power to read and understand what we have ourselves and our forbears created on this continent. And that to me does not mean any discrimination that is racial. I think you will see that my efforts are in the interest of the organization that has sent me here, and that organization itself is made up of all the races of the world.

I want to thank you very much for your kindness.

**STATEMENT OF MAJ. OVERTON C. LUXFORD, VICE COMMANDER  
OF THE MILITARY ORDER OF THE WORLD WAR FOR THE DISTRICT OF COLUMBIA.**

Mr. LUXFORD. Mr. Chairman, I am heartily in favor of all that my predecessor, Major Blair has said, and I have only a few points that I would like to touch on. I am in favor, and the order which I represent is also in favor, of restricting immigration in accordance with the quota under the census of 1890. If the census of 1910 is adopted it will allow the admission of a much larger number than our so-called melting pot is able to melt.

We are firmly of the opinion and believe it should be enacted that the immigrant should be selected at the port of origin, through the medium of consular representatives, where certificates of immigration will be issued, to which will be attached the photograph of the immigrant and his full description, to be examined at the port of entry on this side.

We also believe absolutely that the burden of proof as to whether or not an immigrant is entitled to admission should be placed on the immigrant at his expense, rather than at the expense of the United States Government. As it stands now, we have to prove that an immigrant is not admissible. The law should be framed so as to require him to prove to us first that he is admissible.

We also believe that these immigrants should register on arrival, that that registration should be conducted annually, at which times if an immigrant can not prove that he has registered on arrival he

should be deported. This annual registration would show also whether they have taken steps to become American citizens.

The CHAIRMAN. May I state to you, Mr. Luxford, that this question of registration has received a good deal of consideration by both committees. It probably will come up in connection with the changes in the naturalization law, you understand. I do not think there is any disposition on the part of the committee of either House to insert a registration provision in the present immigration law. A registration provision would involve the registration of some 13,750,000 aliens. I am only saying that I do not think that is a practical suggestion, so far as the present immigration law is concerned.

Mr. LUXFORD. Mr. Chairman, my idea of that is that our current newspapers tell us each day of the infiltration over our borders of immigrants that are illegally entering and have no right to be here.

The CHAIRMAN. Exactly.

Mr. LUXFORD. And registration, if required, would be a check on that, and unless an immigrant had his certificate——

The CHAIRMAN. I do not place entire confidence in everything I read in the public press.

Mr. LUXFORD. Neither do I, sir. I would be very much downhearted if I did.

The CHAIRMAN. These questions relating to immigration have to be considered very carefully on principle, in all their bearings. There are two sides to the question of registration. I am not prepared to say whether I indorse it or I do not. I feel that I am not sufficiently acquainted with the facts to reach any conclusion. I know there is opposition and there are arguments in favor of it. I am simply saying that I do not think it is a pertinent question so far as the present immigration legislation is concerned.

Mr. LUXFORD. We do not wish to raise any question of race at all in the immigration question, but we do unalterably believe that no one should enter the United States that may not become an American citizen or with whom we do not want our daughters to intermarry. That is vital, and in any consideration of this question that should not be lost sight of.

The CHAIRMAN. What would you say of the 100,000 Japanese that are here?

Mr. LUXFORD. Would you want your daughter, sir, to marry one of those, or any other race—I am not particular, Japanese or any other race? It is a matter inherent in the heart of every American-born citizen, particularly those who are descendant from the people that founded this country through the Revolution. They have certain ideals, which I won't even discuss, but when it comes down to them, sir, they do not consider any race that they do not want to intermarry with admissible.

The CHAIRMAN. When I look at the votes in some of the States and find Senators elected by less than a third of the qualified electors, I would like to Americanize some of our American citizens.

Mr. LUXFORD. I grant you that, sir. That is well taken.

In conclusion, I would like just simply to mention what is termed the melting pot. There are influences, as we all know, that are trying to pull down the established Government. These people are not

making an effort to become American citizens, and our thought, our whole idea is to keep them out. Let them stay where they belong. There is no thought in our mind of offending any nation, but we should have the right to say who shall or shall not enter this country. This is our country, and while it is supposed to be a haven for the oppressed, it should not be a rendezvous for malcontents or those who wish to destroy or pull down or upset the work of our forefathers.

I thank you very much, sir.

**STATEMENT OF MR. JOHN L. BERNSTEIN, REPRESENTING  
HEBREW IMMIGRATION AID SOCIETY.**

The CHAIRMAN. Mr. Bernstein, you represent the Hebrew Immigration Aid Society?

Mr. BERNSTEIN. Yes, sir. Mr. Jacob L. Cohen and myself are here as a committee for that association.

I have had the pleasure of appearing before this committee before. The organization which I represent is an immigrant aid society. Most of its work, perhaps 95 per cent of its work, is done for Jewish immigrants, although it makes no distinction between races, and as many as apply of the other religions and races are served in the same way.

The work of the society is a sort of a continuation of the work of the Travelers' Aid Society in the United States; that is, showing the immigrant the way to travel about and protecting him. It is the work of the young men's and young women's christian associations. I mean, it is a sort of continuation of all this work for the benefit of the immigrant.

The organization has a membership of about 150,000 throughout the United States. That membership is composed of all classes—bankers, large manufacturers, workmen, small business men, etc. It maintains an office in New York, a large building where it houses and cares for immigrants. It also gives them aid in the procuring of first naturalization papers and final papers. Very often, about twice a week, it has lectures on Americanization. It has a sort of gallery of the great men of the United States, and instruction is given in English and in Jewish. While in our house a guide takes them through, and says, "This is Grover Cleveland, former President of the United States. This is George Washington," and so on with other men.

Of course, in common with many other people, we are opposed to the further restriction of immigration, because we feel that the present restrictions are quite sufficient, perhaps even too harsh. We believe, as the chairman stated—which I happened to overhear—that the 1917 law contains about as much selection as human ingenuity can put into language. Every alien is examined here as to his qualifications, physical, mental, and moral.

We believe that the present 3 per cent quota law is drastic enough, and that the cutting of that percentage to 2 per cent is not necessary. I believe that the report of the Commissioner General of Immigration will show that while in the last fiscal year, or during the immigration fiscal year for the past two years, there came into the country about 300,000 to 350,000 immigrants, the number that remained

here—that is, deducting from that number the number of aliens who have departed from the United States—is, I think, a negligible number. So that after all, immigration should not be counted by the number admitted but from the number admitted should be deducted the number who leave, and the net total is the total of immigration that we get into the United States. Under the present quota law a very small number of immigrants have come here since the quota law was passed.

We believe that there is no necessity for further restriction. But I should not raise that question now, because this bill upon which this committee is meeting provides for the census of 1910, so that the question of the census of 1890 that has been so much talked about is out of the consideration of the committee, if I understand it right.

I have listened to the gentlemen who have spoken here this morning. They make the claim, as many others do, that the founders of this Republic came only from certain northern European stock. I believe that a study of the history of the United States will refute that. I might say that most of the people who were here at the time and who established this Republic were from northern Europe, but we all remember very well that the man who practically financed a large part of the revolution of the United States was a Jew, named Solomon. He was not of that Nordic stock, and yet we all know from history that he gave his all to the revolution. And, if I remember correctly, he died in jail because he could not pay the little debts that he had after he gave all to the American revolution.

We all know by history that even in the discovery of America at least 30, one-quarter, of Columbus's crew were Jews.

I am not going to discuss this question any further. I know that gentlemen have appeared here who are much more able, much more competent than I to discuss that question. What I want to call the attention of the committee to to-day, however, is this: I believe that even those who think it is best for the interests of the United States that all immigration should be excluded will concede as Americans that the wives and minor children of those who are already here, whether they are citizens of the United States or whether they are residents of the United States having declared their intention to become American citizens, should be allowed to come here. I believe that even the majority of those who think that immigration is not desirable will concede as Americans that it is un-American to part a wife from her husband or part minor children from their father. American life, like all civilized life, is based on the family unit, it is based on the home, and the longer you keep a wife and children away from a man who is here the less you help him to become a good American, a real American, and the less you help him to become a good man. Being away from his wife and children does not help his morality, so to speak.

Now, it is my belief and it is the belief of those who have sent me here that whatever quota you decide on, whatever time you decide on as to the quota, there is no reason for subjecting wives and minor children to a quota, no matter what that quota is. I see that in this bill you give a preference to the wives and children of American citizens. First of all, it is my belief that the wives and children of all people now resident in the United States and who have de-

clared their intention to become American citizens have a right, an inherent human right—I do not mean a constitutional American right; I understand that aliens are not protected by our Constitution, but they have an inherent human right to be reunited with their families.

You say the preference shall be given to them. That looks very good in the statute, but I happen to know how the preferential classes are worked out, because the present quota law also has a preference. The consuls are distributed, of course; one in Poland, in Warsaw; one in Rumania, in Bucharest, etc.

The consul in Riga, for instance, decides that he must wait and not issue any visé to anybody until he exhausts every application for wives and children of American citizens. But inasmuch as he does not know what applications may come in to-morrow—he knows how many he has to-day, but he does not know how many may come in to-morrow or the day after, and he stops giving visés to anybody, with the idea that perhaps the wives and children may apply. He waits, perhaps, to the end of the year.

In Bucharest, for example, the American consul adopts this method: He will give visés preferentially to wives and children, under the statutes, for four days a week, and the other one or two days out of the week he will give visés to the other people. I think that the consul in Riga is right, inasmuch as he does not know how many wives and children will apply during the year, and logically he is right in saying that he must wait until the 30th of June, the last day of the immigration year before giving a visé to anybody but a woman going to her husband. That is why the clause about preference in this bill does not help the situation. And even if it did, if you are going to limit the number of people coming to the United States to a number less than at the present time, there may be cases where wives and children will not be able to be reunited with their husbands and fathers for years to come, because you can not tell just when the quota will be open.

The present law has worked out this way. I have known cases of wives and children crossing the ocean during the immigration year of 1922 and 1923 three times and being deported for the third time because the monthly quota was exhausted.

So I say, Mr. Chairman and gentlemen, that whatever bill you adopt, whatever quota you adopt, whatever percentage you adopt, whatever basis of percentage you adopt, you ought to eliminate wives and minor children from the operation of any quota. They are entitled to be here with their husbands and fathers. They are entitled to their protection, and they ought to get it at your hands.

Now, there are a couple of minor matters—they are minor here, but they are not minor to the immigrants. I notice your bill provides that the immigrant when he applies to the consul shall produce his dossier or prison record. Now, of course, on the face of it that looks harmless. Why shouldn't we know whether a person who wishes to enter the United States was or was not a criminal. We are entitled to know that. But, of course, when you say that when he makes application he must state under oath whether he was or was not, I think it is a very broad provision, and when you tell him that he must produce his government dossier he is going to have a very hard time. I will tell you why.

Since the war peoples have changed nationalities, because of the redistribution, so to speak, of boundary lines. People have gone from one land to another—

The CHAIRMAN. That is not made imperative, is it?

Mr. BERNSTEIN. Yes; it is made imperative in your bill. It is not "may" but "must." Of course you add "if any." When you construe that language "if any" it does not mean if it is obtainable, but if there is any dossier he must produce it.

Now, take, for instance, a Pole who since the war, for the last five or six or seven years, has resided in Germany. How is he going to get his dossier? Of course there is a possibility of getting it, but he will have to go back to Germany and get it over there; he can not get anything like that by mail. And he is going to have a lot of trouble about it. Speaking particularly of my own people, for many reasons; first of all, because they interest me—not that the others do not; and certainly, because I know their condition better—

The CHAIRMAN. How about the thousands of Russians that have gone to Constantinople, that are outside of Russia, that are opposed to the present Soviet Government? How is it possible for them to produce their papers?

Mr. BERNSTEIN. They can not. Those people in Constantinople to-day—my latest information is that there are about 7,000 of them, many of them women and children. They can not get their dossiers from the Russian Government. Under this law they will not receive immigration certificates, and they will be barred from the United States forever, whether their husbands and fathers are here or not. There are many other such cases, some of them in Rumania, others in Latvia. Armenians who find themselves in Greece may have an awful time getting a dossier, because the Greek Government, as I understand it—I do not want to state it as a fact, but I get it from the public print—is not very favorable to it.

One result of that will be what usually results from putting a lot of regulations into effect in a foreign country. The result will be graft and bribery in obtaining such certificates. You do not need them here. You are making the man or woman verify the application. You can make the penalty deportation if the application is found to be untrue. But do not put in a requirement that in many, many cases it is impossible to comply with.

Now, Mr. Chairman, there is a provision here that the certificate of immigration when it is obtained from the consul shall be good for four months. That is too short a time, entirely too short a time. Here is the situation. The man or woman who is emigrating to the United States does not live usually in the capital of the country where the American consul has his office. They have to travel to the capital of the country in order to get their visé. They can not even begin to think of selling their belongings before they are sure they are going to get the visé; it would be foolish for them to do that. They do not know whether they are going to be permitted to come to the United States or not.

The way the system works out now, they make an application to the consul, usually by mail at the present time. Then the consul writes them a letter, giving them a dating three or four months after



the date of the application. On the day of the dating they have to go before the consul in person, and then the consul does or does not grant a visé. Under this law he would give them an immigration certificate.

Now, then, after they have obtained that they have to go back to their little city or town or village where they live, and they first have to dispose of their belongings. They must make arrangements for this long journey, which is much longer for them than it would be for us who travel a whole lot. Then they must get together the money. Then they must go to some port to get a steamship, and all that, and before they turn around the four months would be up.

Assuming, for the purpose of argument, that it is desirable that immigration to the United States should be restricted, what purpose will be served by this four-month period of validity of that certificate? Why not give them a reasonable time. No other persons can come in their place. Once the certificate is issued no other can be issued by the consul for that year; because under this law—and I must congratulate the framers of this law on this particular provision—certificates will be counted, and not persons. Therefore, what harm will be done by giving the man or woman a chance to turn around? What is lost by it? Why add to the great burdens that they are already under. It is no little thing for a man or woman in Poland, Rumania, or Greece, or anywhere else, to tear up everything by the roots and go to a new country. Some of them may be compelled to do so by persecution, others may come here for economic reasons, but whether it is one or the other it is quite a great event in their lives. Why make it hard for them, once you say that a certain number may come in? There is no reason for that at all.

The CHAIRMAN. Would you say that six months would be a reasonable time?

Mr. BERNSTEIN. In my opinion, Mr. Chairman, these people should be given a year. I know the workings of this thing, and here is what happens. The husband sends money for his wife and children. Usually he is not a man of means. He is usually a man who has been here a year or two or three or four years. He is a workman usually. He scrapes together whatever he has. Assume that he has a wife and two children. He sends them three or four hundred dollars, thinking that that will be enough for the journey. But it very often happens that the journey is delayed, and part of that money is used up for maintenance, and by the time that they are ready to go, or about ready to go, they have not enough money to pay for the steamship tickets. Then correspondence ensues. I have seen cases where for the lack of 10 additional dollars a family has been forced to remain over there waiting for the transmission of the \$10 from the relative here, and while waiting spent another \$40 for living expenses.

The CHAIRMAN. Is not the money generally sent from this country?

Mr. BERNSTEIN. Yes, sir; in the cases of families, in the cases of Jews—and I mention them specifically—

The CHAIRMAN. My impression is that Commissioner Husband says in his report that nearly half of the passage moneys are paid on this side.

**Mr. BERNSTEIN.** The report is undoubtedly correct. I will say that in the case of Jews more than half and, in my opinion, at least 80 per cent are paid here.

I want to call the attention of this committee to the fact that, as will be seen from studying the report of the Commissioner General of Immigration, there is no initial or original immigration of Jews to this country. The number of new people who come here is very, very small. You will find that 85 or perhaps 90 per cent are wives, children, brothers, and sisters.

The **CHAIRMAN.** They keep a statistical record of it, and I should says that fully 85 per cent of all the immigrants who come here come to join their relatives or friends—mostly their relatives.

**Mr. BERNSTEIN.** That is right—very few friends. If I remember right, 500 or so came to join friends.

It is my opinion, Mr. Chairman and gentlemen, that the provision making the certificate invalid after four months is unnecessary from the standpoint of the United States, even if we assume that restriction is necessary, and it puts a burden on human beings that will interfere with them a great deal.

The **CHAIRMAN.** Does it not follow that the real selection of the immigrants who come to this country is made by the racial groups that are already here?

**Mr. BERNSTEIN.** The post-war immigration, Mr. Chairman, is very, very different from the pre-war immigration, in this respect: The pre-war immigration was an immigration paid for by the emigrant. The expense of coming to the United States in pre-war times was paid by the emigrant himself. The post-war immigration of all races to-day is an immigration which is paid for by the relatives, because conditions in Europe have become such that a man must be a millionaire in marks or rubles in order to be able to pay for the transportation.

The **CHAIRMAN.** Wouldn't you say that 50 or 60 per cent of the Hebrews who came in in the last year were relatives of the Hebrews already here?

**Mr. BERNSTEIN.** I think I can prove to the satisfaction of this committee that it is nearer 75 per cent. I can also prove to the satisfaction of the committee by the records in the Department of Labor that a large percentage were women and children coming to join somebody already here.

I notice this clause in the bill, section 2, subdivision (f), at the bottom of page 3:

Nor shall such certificate be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

Here is what that clause does. The admissibility of an immigrant to the United States is now determined by a board of special inquiry, consisting of five Government officials, who hear evidence, and upon that evidence decide whether or not the immigrant is admissible. That is the board of special inquiry at the port of entry. If the immigrant feels aggrieved by the decision of the board, the law provides to-day, and the law remains—the 1917 act is not repealed by this bill—that he has the right of appeal.

The CHAIRMAN. It has been suggested, may I say, that an appeal should lie from the decision of the consul to the consul general; that is, that the consul should not have the power to say absolutely, for some reason which may be good or bad, "I refuse to give you a certificate."

Mr. BERNSTEIN. I would suggest that that language is too broad. If the Government official knows, that is the one thing, but if he has reason to believe—we can all believe a whole lot of things. No judge in this country decides anything on what he has reason to believe, except a committing magistrate, for the purpose of submitting a case to the grand jury. We know that, as far as evidence can make us know anything. I respectfully submit that in this part of the bill the words "or has reason to believe" be stricken out, and that an appeal should be provided to the Secretary of Labor, because he is the officer charged with the enforcement of the immigration laws. The Secretary of State, under whose jurisdiction the consul general is, is not equipped to handle immigration cases.

My friend here calls my attention to a very important point, and I would like to call it to your attention. There are many immigrants now at the ports of embarkation who left there because they did not get in within the present quota. They are waiting there for the July quota to open. They have visés, they have all their documents, and they are not in their own countries. This bill, if passed, cuts them out entirely.

And then what they have to do is to begin all over again. They have to go back to their own country, from the port where they are now, get new documents, and so on. And I will say again that to my knowledge a large majority of those are wives and children, and I think something should be done for them at the present time.

I will finish by saying to you that only yesterday a man called at my office whose three children came here a week or two ago—11, 13, and 17—and are about to be deported because they are excess quota. I can not understand how they came at the present time, but they are here. and I again call your attention that it is not proper from an American standpoint to make those children go back.

I thank you very much, Mr. Chairman and gentlemen, for your patience, and I shall be glad to answer any questions any of you desire to ask.

(After an informal recess of about 5 minutes.)

The CHAIRMAN. The hearing is adjourned.

(Thereupon, at 11.48 a. m., the committee adjourned.)



## SELECTIVE IMMIGRATION LEGISLATION

MONDAY, APRIL 7, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10.30 o'clock a. m. in the Immigration Committee room, the Capitol, Senator LeBaron B. Colt presiding.

Present: Senators Colt, Sterling, Keyes, Willis, Reed of Pennsylvania, King, Harris, Harrison, Copeland, and Fletcher.

The CHAIRMAN. The committee will come to order. I might say that Senators Lodge and Reed have had the details of the matter of overtime pay for immigration inspectors in hand, and several witnesses are here in relation thereto and in opposition to the amendment as originally drawn. Now, I have been talking with these witnesses. They are perfectly willing, if the amendment is modified so as to make it a little broader in detail, to withdraw their opposition.

Senator KEYES. May I ask whom the witnesses represent?

The CHAIRMAN. The witnesses represent the inland transportation companies, the transportation companies operating from contiguous territory—not the overseas transportation companies. Would it not help to bring the matter before the committee more clearly if Senator Reed should explain the proposed changes which these witnesses would like to have, as well as the departures from the original proposed by his amendment?

Senator KEYES. This covers the same matter that is provided for in the bill introduced by Senator Lodge for overtime?

Senator REED of Pennsylvania. Senator Lodge and myself each introduced an amendment at the request of the immigration inspectors which provided in substance that where they were compelled to work overtime at the request of a transportation company, or on Sundays or holidays, that the Secretary of Labor might by regulation establish the rate of overtime pay, but that they should be paid by the company, assuming that the men worked overtime. A similar arrangement now obtains for the customs inspectors who work alongside of these men on the piers, and it seemed to us a reasonable request. The steamship companies concerned did not resist it, but, on the contrary, they filed a memorial, which I put into the record on Friday, agreeing to it and hoping we would adopt it. The railroad companies, on the other hand, led by the Soo Line, have opposed it rather severely, and the immigration men have acquiesced in the insertion of an amendment which will exempt railroad companies from the operation of the act. At present there is such a law in effect on the Mexican border, which is limited in its scope. But there is no

law applying to the Canadian border. So we have added to this amendment this proviso:

*Provided, however,* That the provisions of this section relating to extra compensation shall not apply to ferry companies or international bridges or to transportation companies bringing aliens to the United States across the boundary from foreign contiguous territory.

That pleases all the remonstrators, because it leaves them out entirely.

Senator KING. The fact is, as I understand it, that at Detroit they have three sets of inspectors and agents, and they go out at the end of eight hours. I do not know that I shall approve of this resolution. It seems to me that it will tend to demoralize your service. I think it will tend to incorporate provisions into all our laws for overtime and break down your eight hour law. In my present view I shall vote against it.

Senator REED of Pennsylvania. I think we should either repeal the provisions allowing the customs officials or the meat packers to have it or else we ought to give it to these men.

Senator KING. If an evil exists, you do not sanctify that evil by extending it.

The CHAIRMAN. At New York, for instance, the inspectors of goods, of imports, are paid overtime, but the inspectors of human freight who work overtime are not.

Now, this would be a committee amendment in the way it seems to be traveling now, and, of course, it would require a majority of the committee to approve a committee amendment. Have you any objection, Senator King, to having the amendment reported as a committee amendment with the reservation which we commonly make of opposing it on the floor?

Senator KING. Let me read this: It is headed, "Overtime pay of customs and immigration employees." This seems to have been a hearing in 1921 or 1922. I suppose this emanated from the customs department?

Mr. ROBILLARD. It emanated from some one who tried to bring all these differences together.

Senator KING. Is this the law now?

Mr. ROBILLARD. No; it is not.

Senator KING (reading):

*And provided further,* That the provision of this section relating to extra compensation shall not apply to services rendered in connection with railroad trains, bridges, street railway cars, interurban cars, or ferries, and the owners, operators, or agents thereof shall not be required to pay such compensation: *And provided further,* That for the performance of inspection of immigrants by employees of the Department of Labor upon international bridges, and upon and in connection with interurban and street railway cars operated on a regular daily schedule, and ferry boats operated on a regular daily schedule, a sufficient number of such employees shall be assigned to regular duty so that no such employee shall be required to perform more than six days of service in any week, and services performed in connection with such bridges, cars, and ferries shall not be deemed overtime service, although performed between 5 o'clock post meridian and 8 o'clock ante meridian, or on Sundays or holidays.

Well, I do not know that I shall approve of that.

The CHAIRMAN. Senator Harris, I was going to ask Senator Reed if he would explain what the present status is on the amendment that was proposed to the amendment to the bill as originally framed.

If the amendment to the amendment is incorporated, it seems to relieve the objection of a certain class, especially the railroad men or those engaged in inland transportation. There seems to be no opposition to the amendment in the form that it now is among those who did oppose it. I knew you would be interested in that.

Senator KING. My view in brief is that we have established the 8-hour day. I approve of that. I should be glad to see the day come when we will not have to work eight hours; but that is the law established by Congress, with respect to Federal employees. This seems to be a dilution of that law, somewhat of an attack upon it, but an attack apparently for good purposes. I think it would be better for the Government to furnish more inspectors if necessary and not require them to work more than eight hours.

Senator REED of Pennsylvania. This will not add to the Government's outlay at the present time at all, Senator. There are some steamship companies which deliberately bring their vessels in on Sundays because they can get their decks cleaned more quickly and get their inspections made more quickly. It does not seem right that for their convenience these inspectors should be forced to work every holiday and Sunday; and, as somebody suggested to me a while ago, the tide does not recognize the 8-hour day and sometimes men are forced to work overtime because of the tide and its results.

The CHAIRMAN. Senator Reed, will you kindly read the amendment and then the exceptions?

Senator REED of Pennsylvania. It would add a new sentence which would read as follows:

The Secretary of Labor is authorized hereafter, under such regulations as he may deem advisable, to pay extra compensation to immigrant inspectors and other immigration employees when, at the request of any transportation company, corporation, or individual bringing aliens to the United States, such officers or employees are required to report for extra duty or to work overtime, or on nights, Sundays, or holidays in connection with the examination of alien passengers or crews; and the transportation company, corporation, or individual requesting such extra service shall pay to the Secretary of Labor as reimbursement, the amounts expended by him for such extra service in accordance with his regulations, and such reimbursement shall be credited to the appropriation, "expenses of regulating immigration": *Provided, however*, That the provisions of this section relating to extra compensation shall not apply to ferry companies or international bridges or to transportation companies bringing aliens to the United States across the boundary from foreign contiguous territory.

As it stands here there is no objection on behalf of people who will pay the bill. The steamship conference, and the separate lines also in another memorial, have addressed Congress—it is in the record—agreeing to this and saying they think it is fair. The only objections came from people along the Canadian border, where it is a matter of scheduling trains constantly through the night and during Sundays and holidays, and where the international bridges and ferry companies have to operate all the time. The same conditions that apply to them do not seem to apply to the Atlantic liners.

The CHAIRMAN. Shall that amendment be reported as a committee amendment?

Senator KEYES. I am opposed to the policy of it. I think these corporations should not pay this additional expense. I think the Government should furnish its own inspectors, but I shall vote for this amendment under the circumstances.

Senator REED of Pennsylvania. I agree that the policy is not sound governmental policy, but it is essentially fair at present. I think we ought to correct the whole business at one time and make the Government pay for it.

The CHAIRMAN. I might say that the witnesses need not attend any longer, then.

Senator KING. I move that we hear Mr. Andrew Furuseth.

**STATEMENT OF MR. ANDREW FURUSETH, WASHINGTON, D. C.,  
REPRESENTING THE INTERNATIONAL SEAMEN'S UNION OF  
AMERICA**

The CHAIRMAN. The committee is considering the seamen's provisions. In the bill reported to the Senate we have substantially omitted everything in relation to the seamen, although, as I understand you, there is one part of the bill that does relate to the seamen.

Mr. FURUSETH. Mr. Chairman—

The CHAIRMAN (interposing). May I ask you first whether you are familiar with the bill that has been reported?

Mr. FURUSETH. Yes.

The CHAIRMAN. May I ask you what objections you have to it so far as it does relate to alien seamen?

Mr. FURUSETH. On page 4 begins a statement that lists among those who are permitted to come to the United States—in the last line—

(5) A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States solely in the pursuit of his calling as a seaman.

Now, that is necessary in the bill, because the bill excludes everybody as a general proposition and then specifically admits some.

The CHAIRMAN. The word "immigrant," in other words, covers all classes of aliens except those who are specifically excepted.

Mr. FURUSETH. Exactly.

Now I go to page 16, section 12. The section is very short and you have got to read just enough of it to get an understanding of my presentation.

The section is headed, "Maintenance of exempt status." It reads:

The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), or (5) of section 3, shall be for such time as may be by regulations prescribed and under such conditions as may be by regulations prescribed (including, when deemed necessary, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

So that here you give the Secretary of Labor the power to hold everybody out who is a seaman unless he can put up a bond. No bona fide seaman, Mr. Chairman, can put up a bond. A bona fide seaman can not do that.

The CHAIRMAN. Do I understand this, that a bona fide seaman is excepted from the immigrant class, but that he has a certain status under the regulations and that in such regulations they may require him to give a bond?

Senator HARRISON. There is too great a discretion in the Secretary of Labor.



Mr. FURUSETH. It is not only that, but, if you will permit a point here, the result is that the shipowners, except those who are compelled to give a bond, have never ceased to fight the act for all the years since the seamen's act was passed, and this is the last kick. If they can get the bond provision into the act, which they have been striving to do for two years now, the result is inevitable that the seamen's act is repealed. It has never been done by law up to the present.

Senator HARRISON. But the Secretary of Labor has been insisting on such provision.

Mr. FURUSETH. Yes; and the courts have held that he has no such power, and then, when the courts held he had no such power, he still insisted upon it and kept the men on board a vessel in New York Harbor, and it became necessary to take out a writ of habeas corpus with the result that the judge dismissed the men, saying he could not stand for the idea of making a vessel a prison in the harbor.

Senator HARRISON. You think it would be a great hardship to require these men to give a bond?

Mr. FURUSETH. It would be absolutely impossible. The seamen can not give a bond. He is friendless.

Senator WILLIS. Is this also the point, that the steamship companies, when they want to connive in violation of the laws, would put up the bond and then the fellow would jump the bond?

Mr. FURUSETH. Here is what they are doing now. They come in on the Pacific coast with Chinese crews and then a certain number of the Chinese walk ashore and the vessels go away again with so many less, with the result that they are leaving some 5 up to 30 or 40 men behind them every time they come here.

Senator HARRISON. How would you change it?

Mr. FURUSETH. First, I would strike out the figure "(5)" here—

Senator REED of Pennsylvania (interposing). I think, if I may interrupt, Mr. Furuseth's point is well taken. I believe that the steamship companies would use these provisions not to beat the immigration law—I am not so much afraid of that—but they would bring alien seamen in preference to any other kind of seamen because this would mean that the United States would make a jail out of their ships in every port and consequently would prevent desertions and would have the effect of discriminating against American seamen. We impound the Chinese when they come here; their crew is locked up. Practically we put those men in jail as soon as they reach here. Here is the way I suggest getting at it, that we modify that bond requirement so as to give the Secretary of Labor power to require that bond only for the classes mentioned in 2, 3, and 4.

Mr. FURUSETH. That is it.

Senator REED of Pennsylvania. That will be all right?

Mr. FURUSETH. Yes.

Senator WILLIS. Striking out "or (5)"—does not that accomplish that?

Senator REED of Pennsylvania. No; it does not. I suggest in line 7, after the word "necessary," that we insert "for the classes mentioned in classes 2, 3, or 4 of section 3"—so that he may only require a bond for the students or the temporary visitors.

Mr. FURUSETH. Why not strike out the "(5)" altogether?

Senator REED of Pennsylvania. Because I think he ought to have power to establish regulations.

Mr. FURUSETH. If you strike out the "(5)" and then put in Senator King's amendment, you will get the two immigration laws and your shipping laws to work together.

Senator REED of Pennsylvania. What is Senator King's amendment?

Mr. FURUSETH. I will explain it. First, it provides that all the seamen coming into the harbors of the United States shall be examined. Now, they do that at the present time for the sake of health. Secondly, any bona fide seaman shall be furnished with a landing card and can go and come. A man who is not a bona fide seaman will be taken away from that vessel that brings him and sent as a passenger back to whence he came at the expense of the vessel that brings him in, so that they will quit bringing that kind of people. They know who is a bona fide seaman and who is not. The second provision of the King amendment is that they shall carry away as many in those vessels as came here and hire their crews in foreign ports, or carry away at least as many as they bring here. That will prevent the shipping companies from making money by bringing men here who could not get through Ellis Island and then leaving them here. And then there is another thing it will do. It will prevent the foreign companies from undercutting the American companies, because we go the other way and consequently we have got to carry the full crew all the time.

There is no reason why we should not do this, because here—holding pamphlet in his hand—is the English law. The English law provides just that very thing for England.

Then the third proposition in the King amendment is this, that any man or person who is per se excluded from coming into the United States shall be excluded from coming into the harbors of the United States unless he comes in a vessel of which he is a national as distinguished from being of any of the colonies of that nation. The result of it is that the shipowners of the world will be compelled to respect your immigration laws and the rest of your laws, something that they are not doing now, and, further, it puts it in this shape, that they will do this without any cost to the United States.

Senator REED of Pennsylvania. Mr. Chairman, that suggestion is bitterly opposed by Commissioner Curran, who says the landing-card system has been tried and has failed. It is also opposed by the immigration people here, and the suggestions that Mr. Curran makes are opposed by Mr. Furuseth and the steamship companies, and it seems to me that while his point about the bonds is right and can be taken care of by an exception here, the committee ought to consider these landing-card ideas and alien seamen's ideas in a separate bill that can have the deliberate criticisms of the committee after it has heard all sides.

Senator HARRISON. I thought this is what the committee agreed to do.

Senator REED of Pennsylvania. It did, but Mr. Furuseth has protested and asked us to put it in again.

Senator HARRISON. Why would it not be satisfactory to you?

Mr. FURUSETH. Because God only knows what time you are going to pass the next bill.

Senator KING. There is so much merit in Mr. Furuseth's contention that I shall be glad to see my amendment adopted. There is no doubt but what violations constantly occur and are connived at by foreign shipowners, and they bring into the United States Chinese and Hindus and Malays, who are under our laws forbidden entry, because they are not eligible to citizenship. Now, legislation of this kind, if you want to enforce your immigration laws, is necessary, and it seems to me that this was an appropriate place to take care of this subject.

Mr. FURUSETH. One thing more, Mr. Chairman. In 1922 the Immigration Service examined 973,804 alien seamen coming to ports of the United States. In 1923 they examined 1,018,000 such seamen. Now, your provision of the law contemplates about 300,000 that should be permitted to come. You are closing the front door, gentlemen and opening the side door in failing to accept this, because 60 per cent of these men—in other words, 600,000 of these men—are footlose. There is nothing to hold them particularly to their own nation or their own country.

Senator HARRIS. You say there is a British law providing that the ships shall bring back again those they took out?

Mr. FURUSETH. The supposition is that they will bring back the same kind of men that they took out. That is supposed to be the situation.

Senator HARRISON. What is the view of Mr. Wallis, who was Commissioner of Immigration at New York, respecting that?

Mr. FURUSETH. I do not know. The trouble in New York has always been this: That when the bill for the examining of alien seamen as to diseases, etc., was adopted, it gave a tremendous lot of work to the New York immigration staff, more than they could possibly do. Now, the landing card, of course, gave a lot of work to them, and with the staff that they have got they were working themselves to death, and they naturally wanted to get rid of that; but I want to say to you that if you adopt this amendment for the purposes of accomplishing the thing itself there is nothing to compel that you should have any landing card at all. If you take the man who is not a bona fide seaman out of the ship or take the man who is to-day excluded out of the ship that he has no right to be in, then all the rest can come and go. The only thing you can do after that is to see that the vessel takes out as many as she brings in. It would be better if you had the landing card, but it is not absolutely necessary.

The CHAIRMAN. Might I say to the committee that so far as the King amendment is concerned, it opens a wide field. The commissioner from New York, Mr. Curran, has just telephoned over, and he states that it would demoralize Ellis Island. He desires to be heard. As one member of the committee, it does not seem to me that we can make the King amendment a committee amendment until we have heard the commissioner at New York and others who are strongly opposed to it.

Senator HARRISON. I would like to know what the views of Mr. Wallis are.

The CHAIRMAN. The committee has, so far as the present bill is concerned, modified it in the line of eliminating the giving of bonds, etc. We have corrected it to that extent, so the bill is more satisfactory now to you than it was before. I am dealing with the measure before the Senate. Now, so far as this other bill is concerned, this committee can not, in my opinion, go ahead on the King amendment, whatever its merits may be, without a hearing. If the committee desires to consider the King amendment, it seems to be absolutely necessary that we should have another meeting, to-morrow or at some other time, to consider that.

Senator HARRISON. What did the House do in respect to that?

Mr. FURUSETH. The House bill fixes it in such a way that it really leaves the inspector who visits the ship to determine whether the fellow is going to be permitted to leave the ship or not; and an amendment like the King amendment was introduced in the House.

Senator WILLIS. Let me make this inquiry. I am sure you know that I am quite sympathetic with this general view here, but there is this difficulty that I see. This bill is before the Senate and we are all anxious to get it to a vote. What I am afraid of is if we go into this question we will get into a quagmire of hearings and controversies, and I am wondering, therefore, whether you would not consent to this view: If there is anything in this bill that repeals or infringes upon the seamen's act I want it stricken out, but let us go on with this bill. As one member of the committee I want to assure you that what little influence I have will be in favor of prompt consideration of this measure, because I think it is important.

Mr. FURUSETH. Of course, I am in the hands of the committee, gentlemen.

Senator KING. I would like to have Mr. Furuseth given full opportunity to complete his statement.

Senator COPELAND. I would like to ask, Mr. Chairman, about the health aspects of the proposed change.

Mr. FURUSETH. The health provisions provided for in the King amendment are absolute. They have got to be properly examined.

Senator COPELAND. Would it prevent this situation? We know that there are in the port of New York every day thousands of foreign seamen who are infected with the worst kind of venereal diseases. I fought it all the time that I was health commissioner. What would this do toward the correction of that evil?

Mr. FURUSETH. It would put every man who is so affected into the hospital, to be taken care of and cured if possible, and would eliminate him from the country if he was not cured.

Senator COPELAND. He would not be turned loose?

Mr. FURUSETH. No.

Senator COPELAND. I do not need any other argument myself for the bill, because it is a tremendous evil. Four thousand of those seamen walk into our city and bring in the vilest kind of diseases from the Old World.

Senator HARRISON. Mr. Chairman, I wonder if we could not let this go until to-morrow, because we would have the New York inspector before us then?

Mr. FURUSETH. I would be satisfied with that.

Senator HARRISON. If we can get Mr. Wallis down here, his views would have weight with this committee. He has had about four or five years' experience with this matter.

The CHAIRMAN. Would it be the feeling of the committee that we should meet to-morrow at half-past 10.

Senator REED of Pennsylvania. May I suggest that if Senator King will introduce his amendment in the form of a separate bill, we ought to be able to go on with the consideration of it to-morrow morning; but if we keep on postponing action on these various amendments to this bill, we are going to come to that place where this will be the unfinished business and blocked from consideration.

The CHAIRMAN. I am afraid if you go into this situation of the King amendment, we are going to delay action.

Senator KING. I have offered the amendment here in good faith and I want the committee's view. If the committee shall vote against me, I shall offer it upon the floor of the Senate. I am not filibustering; I will just make a brief statement.

The CHAIRMAN. May I suggest a compromise, and that is that we do have a meeting to-morrow morning at 10 or half-past 10, and that we ask Commissioner Curran to come over and we can see then how far this is going to delay matters.

Senator COPELAND. Also invite former Commissioner Wallis.

Senator WILLIS. I want this bill to go through, and I am in favor of the provisions suggested by Mr. Furuseth, but I doubt the wisdom of seeking to embody them in this bill.

Mr. FURUSETH. May I be permitted to bring Mr. Warren Parker? Parker was the former law officer of the Government in the Department of Labor dealing with immigration. For 20 years he was there and he knows the immigration questions as thoroughly as anybody else does. He drew this amendment. I had a different kind of an amendment, and when I came to him he said that one or two features of my amendment were not "immigration," and I suggested that he take the bill and draw an amendment that was purely immigration. He drew this amendment and gave the reasons for it.

The CHAIRMAN. Is that the King amendment?

Mr. FURUSETH. Yes. May I be permitted to bring him to-morrow morning?

The CHAIRMAN. Certainly.

Mr. FURUSETH. May I call your attention to a decision of the Supreme Court in *Scarrenberg v. Dallas Steamship Company* (245 U. S. p. 122)? The court there decided that the seaman is not a laborer and that an American ship is not American soil and as a result of that the Dollar Co. and other companies have been importing Chinese direct from Hongkong right to New York and is doing it these days for the purpose of filling the vessels that Mr. Dollar bought from the Government. He is filling them up with Chinese imported from Hongkong.

Senator REED of Pennsylvania. So that we may understand the course that is charted for us in the Senate to-day, do I understand that the decision of the committee is that alien seamen are to be exempted from the requirement of giving bond?

The CHAIRMAN. Yes.

Senator REED of Pennsylvania. And that we will go ahead with the committee amendments, striking out this landing card section

as the committee has already decided, with the understanding that the vote will be reconsidered without opposition from the committee if to-morrow morning, on hearing Mr. Furuseth and the other witnesses, that is the decision of the committee?

The CHAIRMAN. Why make any statement? We will not reach the seamen's provision to-day.

Senator KING. If we do reach it, I prefer to pass it over.

Senator WILLIS. We must not delay the bill.

Senator KING. I have another amendment I should like to offer. I want the committee to consider it. It is proposed to insert after paragraph (b) under section 25 the following:

The term naturalized citizen of the United States shall include not only those persons formerly naturalized pursuant to the naturalization laws of the United States but shall also include all those persons falling within the class or description of persons collectively naturalized through the acquisition of territory. If—

Here is the crux of the situation: -

If a presumption of expatriation has arisen against a naturalized citizen by reason of his residence in a foreign country, upon his return to the United States for permanent residence such presumption shall cease to exist, and he shall be deemed and be a citizen of the United States.

I will read just a few lines here. [Reading:]

Congress in the year 1907 enacted a statute giving the State Department, under certain circumstances and conditions, the right to withdraw diplomatic protection of naturalized persons residing abroad. Among other provisions, this statute provided that a naturalized person who returned to the country of his nativity, and there resided for a period of more than two years without registering with the diplomatic or consular officer of the United States, would have arise against him a presumption of expatriation, which presumption, however, was specifically made a rebuttal one. The State Department, however, was authorized to decline to afford a person, against whom such a presumption had arisen, the diplomatic protection of the United States.

There has been no uniformity in the departmental construction given this act, and it is to remove the uncertainty that has resulted that the above provision is suggested.

Attorney General Wickersham, in the case of Nazara Gossin (28 Op. Atty. Gen. 504-8), in construing this section of the act, says:

"The presumption as to noncitizenship raised by the act is created for the purpose of relieving the State Department of protecting naturalized citizens abroad when conditions are apparently such as to indicate that they have no bona fide intention to return to the United States, to reside. When a citizen returns to the United States, the necessity for such protection no longer exists, and it is fair to assume that with the cessation of the necessity, the presumption created by the act ceases."

The Attorney General further states in his opinion that:

"Obviously, therefore, the essential thing under the act is the intention to return to and reside in the United States. The highest proof of such intention is the actual return and residence of such person; amounting as it does to a demonstration."

The courts have uniformly and substantially followed Attorney General Wickersham's opinion. (See *Miller v. Sinjem* (Circuit Court of Appeals, Eighth Circuit) 289 Fed. 388; *Nurge v. Miller*, 286 Fed. 982.)

In other words, if a naturalized citizen has resided abroad in the country of his nativity and has failed to register with the diplomatic or consular officer of the United States as required by the statute, and therefore has given rise to a rebuttal presumption of expatriation, he should be entitled to have such presumption removed upon his return to the United States for permanent residence. No other theory of citizenship is tenable.

A number of Americans who were caught abroad did not register. Many of them did not know that there was such a law. In

fact, I did not know that there was such a law, that there is an obligation, or rather a provision which requires registration in order to rebut the presumption of expatriation. Thousands of American citizens who were abroad did not register with the American consul and therefore a presumption of expatriation had arisen against them. They have been denied the right of citizenship and this expatriation runs against them in claiming property seized by the Alien Property Custodian. It was seized in cases upon the theory that they were Germans or Austrians and, with that presumption of expatriation, the property was seized and is held.

The CHAIRMAN. The law is left in a very indeterminate shape. I think the State Department has never undertaken to enforce the presumption.

Senator COPELAND. Would this act cure that defect?

The CHAIRMAN. Would it not be a rebuttal of it, because in a certain sense the act provides that if an alien going abroad and residing, say, two years, returns, there shall be no presumption against him when he returns?

Senator WILLIS. The Attorney General specifically points out that it is not simply the return but his residence here that is essential. As Senator King read, " \* \* \* the essential thing under the act is the intention to return to and reside in the United States. The highest proof of such intention is the actual return and residence of such person, \* \* \*." Does not the Senator think he has gone pretty far when he removes that presumption simply by having the persons return here? Ought he not to express any intent to reside here?

Senator KING. Suppose I have gone abroad. I am a naturalized citizen of the United States. I go abroad on business, and I fail to register. We have got many men living abroad in a business capacity. I fail to register in the two years with our diplomatic representative. The presumption of expatriation arises. When I return to the United States I think that the proper construction to be given to the existing law is that the presumption is immediately vitiated and set aside, but this makes it clear.

The CHAIRMAN. You repeal the presumption of it. If a naturalized Italian went to Italy and continued to live there, this country wanted the power to enforce that presumption; in other words, the United States would not have to protect him over there if he lived there, say, for three years without registering.

Senator KING. I am not asking for protection so long as he is there, but when he does come back that presumption ought no longer to exist.

The CHAIRMAN. You submit this to the committee?

Senator KING. Yes. I will ask that it come up to-morrow.

The CHAIRMAN. We will now adjourn until half past 10 to-morrow morning.

(Whereupon, at 11.30 o'clock a. m., the committee adjourned until Tuesday morning, April 8, 1924, at 10.30 o'clock a. m.)





## SELECTIVE IMMIGRATION LEGISLATION

TUESDAY, APRIL 8, 1924

UNITED STATES SENATE,  
COMMITTEE ON IMMIGRATION,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10.30 o'clock a. m., in the Immigration Committee room, Capitol, Senator Le Baron B. Colt (presiding).

Present: Senators Colt (chairman), Willis, Reed of Pennsylvania, King, Harris, Harrison, and Copeland.

The CHAIRMAN. There is a quorum present.

At the outset, I wish to state that an effort was made to get former Commissioner Wallis here this morning. I have a telegram dated New York, April 7, reading as follows:

Trying all day to reach Commissioner Wallis. Impossible for him to attend hearing to-morrow. Will attend any day except Thursday.

*FELLOWS, Secretary.*

Mr. FURUSETH, I suppose you did not finish your testimony, did you? Have you anything to add?

Mr. FURUSETH. I called attention yesterday to the case of Scharenberg v. Dallas Steamship Co., under which the Supreme Court decided that a seaman was not a laborer and did not come within the contract labor law, and that an American ship's deck is not American soil. I called attention to that and the result of that decision, but I did not call attention to the fact that they are now importing Chinese from Hongkong directly to New York to fill the ships that Mr. Dollar bought from the United States Government. They are brought to New York through the canal. That is the only phase I did not call attention to yesterday.

Then, there is this thing. There are about 600,000 of foot-loose men coming into the ports of the United States every year, men who have no ties to hold them to their ships. The other 400,000 are either officers or prospective officers. Six hundred thousand that come in that way, therefore, are liable to get out and among them you have all these people that violate the immigration laws. These are the people we seek to deal with.

Senator REED of Pennsylvania. My recollection is that there were 1,018,000 alien seamen examined in our ports in the last fiscal year.

Mr. FURUSETH. That is right.

Senator REED of Pennsylvania. And of that, 24,000 deserted.

Mr. FURUSETH. Well, I do not know how many would be deserted because I did not get that exactly.

Senator REED of Pennsylvania. How many of those 24,000 re-shipped? I suppose it is impossible to say.

**Mr. FURUSETH.** Yes. You see there are a lot of men that come under the name of seamen who never made a trip to sea before. They come only for that one trip. That is what the first section of the amendment is calculated to deal with. The other sections are calculated to stop the shipping companies from making a business of bringing them in at the rate of, say, 350 men and leaving with 325 or 250. One Greek vessel a couple of years ago came in with 400 men and left with 225. They leave behind them from 5 to 50 men every trip they make. Unless something is done to stop that thing somebody aboard the ships is going to continue making a lot of money, \$1,000 a man. Therefore, as I suggested yesterday, you are closing the front door but leaving the side door open.

**Mr. Parker,** who is here, drew that amendment and if you will listen to him for a minute he will explain just what the amendment is.

**Senator WILLIS.** One of the sections in the amendment you referred to provides that a ship shall carry away as many seamen as it brings in. Do you not think that would very largely remedy the difficulty of which you complain?

**Mr. FURUSETH.** It would remedy it to some extent with respect to the European situation, but it would not remedy it with respect to the Asiatic situation.

**Senator WILLIS.** Why not?

**Mr. FURUSETH.** Because what they are really doing out there is taking away as many men probably as they bring in. How they arrange it is difficult to say, but what they are doing now is this: They bring in a big lot of men, more than they have any use for.

**Senator WILLIS.** So they bring in 350 and go away with 300?

**Mr. FURUSETH.** Of course, out of the 300 that they take away, some of them are men who were here and take the places of the Chinese who came. The Tongs who control these men take some men out of the ships and put others in; so you do not get rid of the difficulty of the exclusion problem.

**Senator WILLIS.** You do not get in any more Chinese; one comes in and another goes out.

**Mr. FURUSETH.** That would be the situation. This amendment would stop the population from being increased through the crews that are carried out. There is no question about that. In another case a ship came in with 54 extra Chinese that were stowaways. As long as they carry them you can not tell; they all look alike. The officers on board the ship have an opportunity to say they did not know when this vessel came in that 54 Chinese had landed at Seattle. The vessel was supposed to be fined \$10,800 for bringing them in, but whether that fine was ever collected I do not know. Here is what the officers said: "We did not know they were there." Of course they could have known it if they wanted to know, but to prove that they did know is difficult.

**The CHAIRMAN.** I understand that the bill now before the Senate—the Reed bill—would leave the alien seamen law as it is to-day, without change. In other words, I understand that the correction which was made in the Reed bill yesterday, pursuant to your suggestion, leaves the alien seamen law exactly as it stands to-day upon the statute books. Now, we have before us an amendment—the King amendment—involving the changes which you suggest.

and the question now before this committee is whether it will adopt the King amendment as a committee amendment, to be reported to the Senate as a committee amendment. Now, I understand that there is strong objection to the King amendment. The committee has not heard both sides fully on this question of the alien seamen. It is a broad question, involving many details. Now, the practical question before us here is if this committee takes time to go into the merits of the King amendment, will we not jeopardize the passage of the bill in the Senate? It was the purpose this morning to see whether there was such opposition to the King amendment that it would involve the careful consideration of the committee. Now, I think it would be well, perhaps, if we should hear Mr. Parker for a few minutes, and then hear the opposition.

Senator WILLIS. Mr. Furuseth asked yesterday for permission to bring Mr. Parker, and I suggest that we give Mr. Parker a chance.

The CHAIRMAN. Mr. Parker, about how long do you think you will want?

Mr. PARKER. I guess, Senator, unless there are a great many questions to be asked, that I can get through in 15 minutes.

#### **STATEMENT OF MR. A. WARNER PARKER, ATTORNEY AT LAW, WASHINGTON, D. C.**

Senator KING. Mr. Parker, there are two questions I desire to ask you about paragraph (e), which reads:

All vessels entering ports of the United States manned with crews engaged and taken on at foreign ports shall, when departing from the United States, carry a crew of at least equal number, and any such vessel that fails to comply with this requirement shall be refused clearance.

One man said to me that oftentimes, through epidemic or disease or what not, part of the crew that came in and which might in good faith desire to return will be detained, and because of conditions over which they have no control the steamship company is unable to go out with the same number to take their place, as a result of which they have to leave often short-handed. This man said that this would work a very great hardship.

Secondly, a man asked me whether or not the provisions of the bill would apply to American boats. Suppose an American, flying the American flag, went to Japan or China with a cargo and there some of his sailors or seamen deserted. He makes every possible effort to secure persons who would be eligible for citizenship as seamen to make the return trip, but is unable to do so and finds that he can not leave unless he gets stray Chinamen, Japanese, or Hindus. Would that ship be debarred entrance into the port of the United States as flying the American flag?

Mr. PARKER. I will say for the information of the committee—I think some of the members do not know me—I am a practicing lawyer in Washington and was engaged by Mr. Furuseth to draft this bill. I was for 15 years law officer of the Bureau of Immigration, and naturally a great many of these questions have come into my office since I have been practicing law—since August, 1919. Mr. Furuseth brought his ideas to me, which he had drafted in a memorandum, and asked me if I would put them into shape for introduction as an amendment to this bill. I saw on careful examination

of certain of his ideas that they did not fit into an immigration bill. They belonged in legislation dealing with seamen, from the seaman's point of view rather than the immigration point of view. I explained that to Mr. Furuseth, and he said, "All right; let us leave them alone." I took the rest of them and put them into the shape in which you now find them.

Now, I have had a great deal of experience with the application of the immigration law to seamen. I had particular charge of that, as I had of all the legal matters throughout the country during the time when I was law officer of the bureau. We all realized when the act of 1917 was being passed, coming right on top of the La Follette bill, that there was going to be a great deal of difficulty with that question. There was not time at the time that that bill was being considered to go into it. In fact, we had no experience on which to go into it.

So those provisions of the 1917 act were passed in such shape as to leave it to the Secretary of Labor to make regulations, it being specified, however, that the regulations should be of such a character as not to interfere with the operation of the seamen's act. Then we proceeded, in the spring of 1917, to do the best we could with the regulations. One of the provisions that we adopted was this idea with regard to seamen's cards. That was not altogether a new idea. It followed along the general lines of the practice in England of furnishing the seamen with what they called a continuous discharge tag, in which the seamen is identified and described and which he carries with him always. Then the war came along and all kinds of additional problems arose with regard to seamen. We had to devise plans by cooperation with the Department of Justice, the State Department and other departments under which we could handle the seamen's business in such a way as not to allow alien enemies to get into the country. I think we did pretty well with it. I mention this as showing the evolution of the card proposition.

Sometime ago, two and one-half or three years, the department abandoned that system of cards. I think the excuse for doing so was the lack of appropriation, which the department is always up against more or less. So that the situation to-day, as I see it now, more from the outside than from the inside, is simply that any system of immigration control that you gentlemen may devise is going, it seems to me, to be largely ineffective if the side door is left open, as Mr. Furuseth aptly terms it. You have got coming right into our ports, right through doors where they can step right in, about a million of these people every year. Some years there are more and some years there are less. Now, as the thing stands to-day, those men to a very large extent are examined rather cursorily on medical questions. Beyond that, they can go through. I am speaking now of European seamen. With regard to Asiatic seamen, the department has endeavored to exact a bond, which they fixed at the amount of \$500. The upshot of that is that the Chinaman pays the \$500 head tax and gets into the United States.

That kind of a system, if carried on, ought to be carried on frankly. Exact your head tax and get your Chinamen. Canada has been doing that, with the result that Canada has gotten the money and we have gotten most of the Chinamen.

Now, as a lawyer who has handled a good many Chinese questions, and I am speaking now of a bona fide case, I know that any Chinaman is willing to pay \$1,000 to get his son into the United States. It usually costs him that before he gets through with his medical examinations and treatments and then pays his attorneys for drawing up the papers. Now, under the arrangement that exists to-day with regard to Chinese seamen the man signs on the ship, he pays no fare, and he works his way to Seattle or San Francisco. Then a \$500 bond is put up for him, and he can skip. Paying \$500 is a cheap way of getting into the United States.

Now, these are some of the problems you have to deal with. Another one is the difficulty Mr. Furuseth spoke of, one that I tried my best to prevent while I was in the Immigration Bureau, that of bringing over these Chinese crews, carrying them to New York and holding them there on the vessel until the vessel was ready to go out.

The CHAIRMAN. Have you any idea what proportion of the seamen you spoke of would be oriental?

Mr. PARKER. I could only make a very rough guess. Certainly not over 25 per cent.

Mr. FURUSETH. About 22 to 25 per cent.

The CHAIRMAN. Now, how do the others get in?

Mr. PARKER. They are examined medically; there is no bond required, and they go through under the La Follette Seamen's Act. They have a right to go through, ostensibly for the purpose of re-shipping again, and a great many of the regular seamen do. They look for some other ship that suits them better.

The CHAIRMAN. Under what conditions do they go ashore?

Mr. PARKER. No conditions whatever.

The CHAIRMAN. No regulations?

Mr. PARKER. None that really amount to anything. He is not even furnished with an identification card.

The CHAIRMAN. You say the landing card has been abandoned?

Mr. PARKER. Yes; except where a man is signing out of the foreign trade and going into the coastwise trade. Then they furnish that man with a card. However, as far as these thousands who are coming ashore in the regular pursuit of their calling—some of them bona fide seamen whom we do not need to fear at all as long as they are examined medically, but others merely pretending to be examined—there is no control of it, and there is no record of the man kept in such way as will locate and identify him.

The CHAIRMAN. Is that not due to the absence of regulations which the department has power to make under the act of 1917?

Mr. PARKER. I think they have power to make regulations of the kind we had before. Those regulations required a card.

Senator KING. Are there now effective administrative methods for the purpose of detecting and barring those who may come ashore and who do not reship in other vessels?

Mr. PARKER. No. You see, you have no basis for a follow-up system on them. If you have a duplicate of his card, with his photograph, in your files—I will give an illustration of a case I know about. One of the inspectors from the Bureau of Immigration not so long ago was sent up into northern Pennsylvania to make an investigation of a suspected violation of the alien contract labor laws. He

ran across a number of people there, some of them orientals and some of them from the Near East, that seemed to him probably to have no business being there, and he commenced to examine them.

Practically all of them stood out on the proposition that they had been here for a number of years, and finally in one or two cases he developed the fact that the men had been seamen and that they had come in during a certain year before these cards had been abolished. He immediately send down to Ellis Island and had the cards examined, and he found the records of these men. By that means, he broke down the whole crowd of these fellows, and they were deported. They had no right in the country at all. They had come as seamen deserters and had gone up there to work in some industry. That illustrates the use of that card, and it also illustrates what a man is up against if he has not the card. If he has not the card, he has nothing to go by. If a man stands up and says he came into the United States five and one-half years ago you have no way of successfully disputing that.

Senator REED of Pennsylvania. I notice that one of the sections of this amendment provides that no ships may enter one of our ports except in distress carrying Chinese seamen. Under the La Follette law, it could come in with 40 per cent of its crew Chinese, could it not?

Mr. PARKER. Yes, sir.

Senator REED of Pennsylvania. So that to that extent this would amend the La Follette law?

Mr. PARKER. To that extent it changes the operation of the La Follette law.

Senator REED of Pennsylvania. Under the La Follette law, you could come in with a crew that was 100 per cent Lascar if they could all understand the English language?

Mr. PARKER. Yes.

Senator REED of Pennsylvania. And to that extent that would amend the La Follette law?

Mr. PARKER. Yes.

Senator WILLIS. Suppose that is a Chinese ship. Then they could come in with all Chinamen?

Senator REED of Pennsylvania. So far as this provision is concerned, a Chinese ship could come in with a Chinese crew, but a Japanese ship could not bring a Chinese crew.

Senator WILLIS. What I am getting at is this: Would not section (f) discriminate very seriously as against American ships?

Mr. PARKER. The discrimination would be general. The discrimination there would not be against American ships. It would be against British and Scandinavian ships and, of course, to some extent theoretically against American ships, but not nearly to the extent that it would against other ships.

Senator REED of Pennsylvania. Let us put it this way: The Japanese Pacific liners would have to dismiss all of these Chinese seamen?

Mr. PARKER. Yes, sir.

Senator REED of Pennsylvania. And they carry a considerable number now?

Mr. PARKER. They do.

Senator REED of Pennsylvania. The British ships on the Pacific would have to drop all their Lascars, would they not?

Mr. PARKER. Yes, sir.

Senator REED of Pennsylvania. And they use a good many now?

Mr. PARKER. I do not know whether they are using so many now. They did at one time use a great many.

Senator REED of Pennsylvania. Almost all of the boats that go to India and the Straits Settlements carry them?

Mr. FURUSETH. The majority of them have white men now.

Senator WILLIS. I can not see why section (e) does not accomplish the thing you want to accomplish.

Senator REED of Pennsylvania. It occurs to me that this is a rather comprehensive provision of the provisions of the La Follette bill. I do not feel competent to pass on it.

Mr. FURUSETH. It does not change the law at all. It stops the violations of it.

Senator REED of Pennsylvania. Oh, no. At present it is no violation of law for an American ship to come to a Pacific port with 40 per cent of its crew non-English speaking Chinese, is it?

Mr. FURUSETH. No; that is to say, all of the men who are not officers. They can come with anybody if they can understand the English language. As a matter of fact, here is what takes place when it comes to examining them on the language clause. In one examination the man said he would "coil the smokestack into the engineroom," and yet he was passed as knowing enough to be on board the ship. Now, the language clause of the seamen's act is as dead as Cæsar as it stands to-day. It was intended not to deal with the question of raises, but the question of safety. Notoriously, a man who can not understand the language of the officers is of no use on board a ship in case of disaster.

Senator REED of Pennsylvania. Section (f) would resurrect Cæsar, so to speak?

Mr. FURUSETH. It will help too, to some extent; however, that is not the purpose of it here. The question here is, do you want to exclude them? If you want to exclude them, that is the way to do it.

The CHAIRMAN. Mr. Parker, could you not explain in a general way the necessity for the provisions contained in the King amendment? I mean, what the provisions are, generally, and the necessity for passing them.

Mr. PARKER. Well, Senator, I think I have pretty well covered the card proposition. I expect every one will agree with that, that a card, for identification purposes, if you are going to have a law that deals with seamen, is a useful thing.

The CHAIRMAN. Is there not the power now to provide regulations as to a card?

Mr. PARKER. Yes; I think there is, Senator.

The CHAIRMAN. What is the necessity for legislating on it, if you have all the power now under the present law?

Mr. PARKER. Of course, I no longer have anything to do with the passage of the regulations.

The CHAIRMAN. If the department already has this power of requiring a card, under the law of 1917, why are you asking us to do that?

Mr. FURUSETH. May I answer that question? I have appealed to the department for three years, in every way that it was possible for me to appeal to anybody, and they refused to do it.

The CHAIRMAN. Now, you have answered it exactly.

Senator REED of Pennsylvania. The present law says they can; this says they must. That is the difference.

Mr. PARKER. That is the difference. There is some difference of opinion, I imagine, among the officers in the department. Some of them might say to me, "Parker, of course there is chance for a difference of opinion there." But I think they have the power now to do it, but the law does not say they must do it. This provision would make it obligatory upon them, and would lay the foundation for them to say to the appropriation committees of the two Houses that they must have the money to do it. That is the advantage of that. That is the reason we put it here, to round this thing out.

Senator KING. Now, passing to the other provisions of the bill, state what they are and how they would interfere, if at all, with the rights of seamen of other countries.

Mr. PARKER. You asked a question a while ago with regard to paragraph (c) [reading]:

All vessels entering ports of the United States manned with crews engaged and taken on at foreign ports shall when departing from the United States ports carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance.

Now, the object there is simply to keep this seamen business from increasing the alien population of the country.

Senator REED of Pennsylvania. This does not require them to take out alien seamen. If they take out Americans they are all right.

Mr. Furuseth, we did not consider that we could require them to take out alien seamen. As a practical proposition, however, it would work out that the vast majority that they would take out would be alien seamen. There would be some Americans, but the number of them would be negligible.

Mr. FURUSETH. The number of Americans that sail on foreign ships is so insignificant that you could count them on your fingers. The number of Americans who used to sail on British ships prior to the La Follette Act was a large number. Those who sailed there came back to their own country. As a result of this, if it is adopted, the shipowners are going to fill up their vessels with the cheapest men they can get, and they are going to take some of the rubbish that they brought in.

Mr. PARKER. In discussing this with Mr. Furuseth, I repeatedly asked him the question as to how this would operate internationally; that is, as to whether this thing would be inequitable and wrong from the international point of view; in other words, as to what other countries were doing along the same lines. He brought me this volume of the marine act and I looked into the question quite a bit. I was surprised to find that practically all of the foreign countries in effect require that their vessels shall bring back to those countries the men they carried away; so that as far as any inequity on that score is concerned, I satisfied myself that there was none. When a ship sails out of Great Britain, under the regulations of



Great Britain, they are expected to see that those men get back into Great Britain. They are not supposed to get back with a crew depleted.

Senator WILLIS. Is there anything in that law to interfere with this practice? They would load up with 300 men and discharge 100 of them over here and still go back with a full crew under the British law. Is that prevented under the British law?

Mr. FURUSETH. No. The foreign laws of all countries give a minimum number, and then it leaves the owners to take as many more as they want to; so they load up to beat the immigration law and then go back with a lesser number.

Senator KING. Do you know if there is any provision here that violates any treaty that we have?

Mr. PARKER. No; I was very careful about that. I do not think there is. Of course, as Mr. Furuseth said a while ago, as far as these provisions about confining crews to vessels of their own nationalities is concerned, so that a British boat could not bring a Chinese seaman, etc., it is just a question of whether you want to exclude these orientals from getting in under this seamen's proposition. Congress has seen fit to single out these people with a gentleman's agreement with Japan, with the Chinese exclusion laws, and with the Asiatic zone clause of the general immigration act. All of that oriental crowd is kept out of here. You want to make it more difficult for people of that kind to get here—and you have not only the Japanese but the Lascars and the Hindus and all of that crowd—and here is the way to stop all of them from coming in.

Senator KING. There is no question but what a Japanese vessel could come in with Japanese sailors. Under what flag would Hindus sail in order to come into the United States?

Mr. PARKER. That proposition gave us more trouble than any other phase of this matter. Of course, we started out with the idea of using some such word as "nationals," and we found that it would not work. Under the British regulations, any British vessel can register in any of the British colonies and take men aboard a British vessel. That is the reason in this amendment that we adopted the proposition of making use of the words "foreign merchant marine." Of course, Great Britain has a merchant marine, but her colonies do not have. Japan has its own merchant marine. Nobody wants to interfere with a country having a merchant marine manned with its own people. We claim that right, and we respect the claims of others to the same right. As soon as the Chinese have a merchant marine they can bring as many Chinese as they want to.

Senator KING. Does this bill prevent a ship which is owned by people living in Hindustan, who are Indians, from engaging in merchant-marine shipping and coming to America with nationals of that country?

Mr. PARKER. Absolutely, because that ship would have to sail under the British flag.

Senator KING. Then they could not land?

Mr. PARKER. They could not land.

Senator KING. Is there any other violation of the La Follette Act or any of the amendments to it in this amendment than the one that you directed attention to in answer to a question by Senator Reed?

Mr. PARKER. No, sir.

**STATEMENT OF MR. G. F. RAVENEL, ASSISTANT TO THE PRESIDENT INTERNATIONAL MERCANTILE MARINE CO., NEW YORK, N. Y.**

Mr. RAVENEL. I am speaking for the Atlantic transit lines. The only section in this bill here which is objected to in one way or another is section (e), requiring steamship companies to take the same number of people out that they bring in. The question of bona fide seamen that Mr. Furuseth has referred to so much does not interest us, because we do not bring in any considerable number.

Senator REED of Pennsylvania. You do not represent the Pacific Mail, do you?

Mr. RAVENEL. No, sir.

Senator REED of Pennsylvania. They might be interested in section (f).

Mr. RAVENEL. They might. They undoubtedly will be interested.

I am not familiar with any such condition as has been described here of hundreds of people being brought here to evade the immigration law. We know nothing about it.

Senator REED of Pennsylvania. There were 14,000 desertions in the port of New York.

Mr. RAVENEL. Yes, sir; but they were desertions of what will pass as qualified seamen and firemen and every other grade that you put on your ship. We are in favor of this landing card. We are in favor of everything which will hold the seamen and the firemen on our ships, because desertions cost us money and inconvenience us in every possible way. You are not going to stop desertions with your landing card or with this particular section (e) here. That is not going to do it. They are going to come in here and desert us, and we will have to hire a certain number of men. But our real difficulty with the situation is this, that very often we can not get those men.

I submitted here a week ago a letter which dealt with one section which Senator Reed had, which required the immigration inspectors to check up, and showed you that under the La Follette seamen's act we can not stop these desertions. Ten minutes before a ship is scheduled to sail 12 men may walk out, 50 men may walk out, and we can not stop it. Our ship is ready to go, our passengers are all there, and we have got to go out and get additional men.

Now, this act would make possible the greatest blackjacking proposition in the world, so far as the steamship companies are concerned, that ever happened. Why? One seaman could stop the sailing of any big ship for a day, for two days. Now, mind you, we are speaking hereof safety. This British law that Mr. Furuseth brought out here does require a certain minimum. We can not sail our ships unless we have certain requirements as to able seamen and engineers, but when we get into the position that we were in last spring—I think this will interest you, Senator Willis, because you come from a section of the country that is affected by this law—when the lake season opens, the lake people make a drive for our people, for our firemen, for everybody. They come down and recruit them right there. We had 17 deserters last Saturday on the *Celtic*. Those men, as far as not being qualified seamen, had probably made four or five voyages on this ship this winter. They were not tramps. They will go to the Lakes because they will get higher wages there, and when

the lake season is over they will come back to the seaboard. Now, you are not going to correct that situation.

Now, our difficulty in this thing has been this: At the present time we are giving to the immigration authorities an actual list, giving the name, age, and nationality of every man who deserts us, and we wish very much that the immigration authorities would pick up those people and send them back; but they do not do it.

Senator REED of Pennsylvania. What is the difference in identification value between what you now furnish and the landing-card method, except the finger prints?

Mr. RAVENEL. Senator, the identification is simple. They can identify them. We can go out and spot them, and tell them where they are working. It is not lack of knowledge.

Senator REED of Pennsylvania. It is lack of means?

Mr. RAVENEL. Lack of means and desire. Now, Senator King a minute ago asked whether this thing will handicap American ships. It will to a certain extent, but I do not believe that you gentlemen want to do anything deliberately which will be effective for your purposes which is going to very seriously interfere with the orderly and proper movement of the big passenger service backward and forward from Europe. This will be a very serious thing for us—exceedingly serious.

Senator WILLIS. Now, you stated that there was a minimum law, that you had to have at least so many before you could sail your ship. Have you had any trouble of ships being tied up because at the last minute one man will walk out?

Mr. RAVENEL. No, sir; because we do not sail with that minimum. We see that our margin of safety is so great that that will not happen. We represent the bigger lines here that depend on good service for their existence. The shipping business is a very competitive business. We can not run a half-baked, dirty and ill-kept up proposition and expect patronage. We try to run a really high-grade service. We can not do that by skimping everything to the limit.

We had desertions last spring and last summer when we could not sail our ships on schedule. We were held up, one, two, or three hours, because we could not get the men. The thing we did do was shut down a number of boilers and reduce speed. Now, of course, if we got so badly hung up that we could not move at all, we would just stop. Suppose we went out and got 25 more men to fill up the desertions, and 5 more walked out. They have us where they want us. Bear in mind that New York is not the only port in the United States. There is generally some surplus labor there. But do not forget that this thing would apply equally to New Orleans, Savannah, Galveston, Charleston, Philadelphia, and Boston. The ships get in there to discharge their cargo. It is not an unusual thing for us to shift crews to Norfolk.

The CHAIRMAN. I regret you left out Providence. [Laughter.]

Mr. RAVENEL. I should have included Providence and New Bedford. Right up in that district, the labor market is such that you can not go out and pick up capable seamen, the way you would pick up sticks of wood.

Senator KING. What proportion of the crews of seamen on the vessels which you represent are Americans?

Mr. RAVENAL. On our American ships, a very large percentage. We had a comparison about two years ago with the Shipping Board, and our particular line, the American Line, had actually a higher average of American seamen than the Shipping Board. I think it amounted to 85 per cent in some of them. In the Hamburg trade, we have got to get German-speaking stewards. They have got to speak both languages. I represent principally the foreign lines, and there are practically no orientals.

Senator KING. You do not represent the Shipping Board nor the American merchant marine?

Mr. RAVENAL. No, sir.

Senator WILLIS. You use Lascars?

Mr. RAVENAL. No; as far as I know, we have not got an oriental on a single ship.

Senator KING. Do you pay as high wages as are paid American sailors?

Mr. RAVENAL. We pay the British-scale of wages on the British ships and the Belgian scale on the Belgian ships. This is not going to affect the wage scale.

Senator KING. As I understand you, your only objection to this bill is paragraph (e) requiring you to carry as many members of your crew when you depart from a United States port as you had on board when the vessel entered?

Mr. RAVENAL. That is the principal thing. As I said before, I would rather—the other things do not make any difference—I would rather not see any seamen's sections in this immigration bill, because if you are going into this seamen's proposition you ought to go into it thoroughly.

Senator KING. By and large, do you sail with fewer seamen away from the United States than you bring to the United States?

Mr. RAVENAL. No, sir.

Senator KING. Then, what objection do you have to the bill if it does not affect you?

Mr. RAVENAL. Because there are specific cases or times when the thing becomes very important.

Senator KING. What number, generally speaking, do you bring to the ports of the United States in excess of the number which you ought to have for efficient and proper conduct of your ship?

Mr. RAVENAL. Well, I would not like to go into that. We carry a full complement, what we think we need. How far that is above the minimum requirements in connection with a particular ship, I can not say.

Senator KING. Generally speaking, have you ships that sail with fewer than you brought into the United States?

Mr. RAVENAL. In the spring we do, and we have to because we have these desertions. Let me give you the figures of last May and June with respect to individual ships—I refer to the number of desertions:

*Lapland*, May 2, 21; *Homerio*, May 5, 28; *Celtic*, May 19, 31; *Jamaica*, May 19, 14; *Baltic*, May 26, 24; *Homerio*, May 26, 31; *Majestic*, June 2, 35; *Cedric*, June 2, 23; *Jamaica*, June 9, 19. That does not sound like thousands of people are brought in here to evade the immigration law.

**STATEMENT OF EDWIN H. DUFF, ATTORNEY FOR THE AMERICAN STEAMSHIP OWNERS' ASSOCIATION AND THE PACIFIC STEAMSHIP ASSOCIATION**

Mr. DUFF. Mr. Chairman, I am not here this morning to go into the practical side of this bill, because, in the first place, I have not had an opportunity to study it carefully, but merely to voice the objections of the American Steamship Owners' Association and the Pacific Steamship Association to the consideration of a bill which in effect amends the seamen's act. The practical men representing the association have not had full opportunity to discuss the practical problems involved. Now, I believe the distinguished Senator from Ohio yesterday, when I happened to be here on another matter, made the suggestion or asked whether there should be anything contained in this bill which in any wise repealed any provision of the so-called seamen's act. We are entirely agreed that there should not be anything in this bill that repeals any portion of the seamen's bill, but by the same token we urge that there should not be anything put in this bill that modifies in any particular the LaFollette seamen's bill, but we are perfectly willing to have these propositions dealt with in an individual bill, and to come here and discuss it fairly across the table, and then to leave it to the wise judgment of this committee as to what shall be done.

Now, speaking from the standpoint——

Senator WILLIS (interposing). You agree with Mr. Furuseth's statement that as the bill was amended yesterday, that as it now stands with that amendment, it does not in any way affect the seamen's act?

Mr. DUFF. Senator, that is my understanding; but I have not examined it with great care, because I knew nothing of this amendment until yesterday; but a reading of it suggests to me that with this modification referred to by Senator Reed that it does not take away any of the provisions of the La Follette bill. I can well understand how the Pacific-American steamship members would be vitally concerned with paragraph (f)——

The CHAIRMAN (interposing). You will be perfectly willing to take Mr. Furuseth's judgment on that question?

Mr. DUFF. Entirely so. Therefore I merely wanted to urge that no provisions of this bill affect in any wise the La Follette seamen's act until the steamship interests have had an opportunity to be heard.

Senator KING. Wherein do you think it modifies or repeals the La Follette bill?

Mr. DUFF. Oh, I think section (f) of this bill very materially changes or involves section 13 of the seamen's act.

Senator WILLIS. You mean that the King amendment does?

Mr. DUFF. Yes, sir.

Senator KING. Is there any other provision of the bill which, in your opinion, would affect or modify the seamen's act?

Mr. DUFF. Paragraphs (e) and (f) are the only ones which occur to me that do in anywise alter or deal with subjects which are covered by the La Follette act.

The CHAIRMAN. What, then, is your main objection to this King amendment that we have?

Mr. DUFF. The main objections to the King amendment, sir, are paragraphs (e) and (f), particularly (f). To-day we are permitted under section 13 of the La Follette act to carry certain persons in our crews which we would be denied the privilege of carrying under paragraph (f) of the King amendment. Now, Mr. Furuseth and I might differ as to the wisdom of that but it is the law to-day and we feel that we should not take snap judgment on this. There is a good deal involved, particularly on the Pacific, and we feel that you should not legislate without giving the steamship people a fair chance to present their views.

Senator KING. Is it not a fact, however, that a great many orientals are now being brought by the Pacific lines into the United States as seamen, and that many of those orientals escape into the United States or come into the United States, and that the boats that brought them go out without taking the large number that were brought into the United States?

Mr. DUFF. Senator, I do not know that to be a fact. I am not in a position to answer the question, because I do not know.

Senator KING. Is not the objection to paragraph (f) based largely upon the fact that many orientals are brought into the United States and escape into the United States and are not carried out by the boats which brought them in?

Mr. DUFF. I have not heard that alleged except by Mr. Furuseth from time to time. I do not know that to be a fact.

Senator KING. You have no statistics showing the number of so-called desertions from your boats upon the Pacific coast?

Mr. DUFF. I have not, sir. I have not gone into the practical side and I am not posted on that, and for that reason I was voicing the protest of these organizations.

The CHAIRMAN. Will you please repeat your main objection to the King amendment? One or two members of the committee have come in since you made your statement.

Mr. DUFF. The main objection to the King amendment from the standpoint of the Pacific-American Steamship Association and the American Steamship Owners' Association is that paragraphs (e) and (f) very materially affect the provisions of the so-called La Follette Act, and we urge that this committee shall not do anything that in effect changes the La Follette Act without giving the steamship people an opportunity to appear here before the committee and present their views.

#### **STATEMENT OF HON. HENRY H. CURRAN, UNITED STATES COMMISSIONER OF IMMIGRATION, ELLIS ISLAND, N. Y.**

Mr. CURRAN. The amendment proposed by Senator King, I understand, is the only matter that is under discussion. That reached me about half an hour ago, but I have been able to glance through it sufficiently to express the objection of the Ellis Island administrative force to two features of it. The first is the landing card feature. We object to that, first, because it is within the power of the Department of Labor to provide for that by departmental regulation, and, I believe, with due regard to administrative elasticity, it should not be made compulsory upon us to bring in these landing cards.

Senator KING. Do you not think it ought to be compulsory if you do not adopt some plan equally as effective?

Mr. CURRAN. No, sir, I do not, for this reason, that they have been tried and they have failed. We had a storeroom filled up with them at Ellis Island until three years ago. I never heard of the isolated instance of these Chinese in Pennsylvania. We have no difficulty at all with identification. That does not correct the situation. The landing card is going to leave the hands of the deserting sailor. He is going to tear it up. He does not want a mark of identification upon his person. It is only good in the hands of a sailor legally admitted who goes into the coastwise trade. We have those to-day. These [indicating] are the old landing cards which have been abandoned.

We examine 500,000 sailors in the port of New York every year. The administrative task will be tremendous and we will gladly take that on if we see any practical good in it, but we see none.

With respect to your 14,000 desertions, so-called, thousands of those are not desertions. They are reshipping from other ports, and your landing card does not keep track of those fellows.

Now, as to your finger-print accumulations, with all the care that the finger-print experts require, that would be an enormous task, running to 500,000 finger prints a year. I have been a city magistrate in New York and there we have had trouble enough identifying, with the finger-print system, 25,000 a year. With the sailors the task would be 20 times as large.

Instead of assuming an added expense for the landing-card system, which we consider to be perfectly useless, we could devote such additional amounts as may be appropriated to us in sending our men out and getting these alleged sailors who have deserted. They are there and we can get them. We are getting them now. We can find them. We get them now in limited numbers because we have not the force and money to pick up more of them. We have pulled off a few raids, we have raided the hospitals in New York, and we can get them if we have the men and the money.

Senator HARRIS. How much appropriation would you need for that?

Senator REED of Pennsylvania. Speaking for New York alone.

Mr. CURRAN. I am not in position to ask for any additional appropriation. I understand the law prevents my doing so.

Senator HARRIS. If a Senator asks you a question, you have a right to answer it. You have no right to ask for an appropriation yourself, on your own initiative, but if you are asked a question it is your duty to answer it.

Mr. CURRAN. And I will do so very willingly.

It is pretty hard to name a definite figure. We have to-day 500 members of the Ellis Island force. Three years ago we had 750. I think we could use at least the force that we had three years ago. If you translate it into terms of dollars, I have always thought that we could increase by half the Ellis Island appropriation and make it a million and a half instead of a million and get results. I think so to-day, and the men who have been there longer than I have think so. We can get a lot of these fellows if we have the men and the money. The landing cards will not get them.

The provision for taking out the same number in the crew as was brought in is, I think, inadvisable. I think Senator Reed put his finger on the important point in this matter when he said that you must take out alien seamen if you are going to keep the alien population in the country from increasing through the means that have been referred to here. That section (e) is going to bring about very little advantage and will result in this possible confusion and embarrassment that has been described by the representative of the steamship conference.

On the contrary, we think that there are two good provisions in the bill which I think is now before the Senate, the first placing the burden of proof upon the alien to show that he is in the country lawfully. That will not be abused. There is enough sense on the administrative side of the Government not to abuse it, but it will enable us to get at the alien who now laughs in our faces, as we can not prove affirmatively that he is here illegally. Court decisions have kept here illegally aliens in the country because we are not supplied with that weapon.

The other is the provision allowing the Secretary of Labor to make regulations. It is not to be deemed that they will be unfair or onerous if we regulate by the exacting of a bond or other means the landing of a sailor of whom we are suspicious. We are suspicious not only of those who want to come here to get a job but of those who come here with propaganda in their vest pockets from Russia and other countries.

Senator REED of Pennsylvania. The committee decided yesterday to take away that authority to require bonds of alien seamen. It gives the full authority to establish regulations of every other sort except that, and the purpose in doing that—at least, my purpose, and I think the others have felt the same way—was that bonds would not be given, that the seamen themselves are unable to give bond, and practically it would result that the steamship companies would decline to give the bonds in order to prevent desertions and their ships would practically be jails for their own seamen as long as they were in port.

Senator KING. Or, in case of orientals, a bond of \$500 would be gladly paid in order to get that oriental landed.

Mr. CURRAN. I understood it was permissive, the whole thing, that it did not require the Secretary of Labor if it proved unworkable to do that.

Senator REED of Pennsylvania. We thought it was too much of a grant of power for the present, anyway.

Senator KING. What is your views? Do you think that was a wise or an unwise thing to do?

Mr. CURRAN. I think it would be wise to leave it in.

Senator COPELAND. Major, does the King amendment make any more certain the examination of these alien seamen with reference to disease?

Mr. CURRAN. I do not think so, Senator. The Public Health Service does it as well as they can with their facilities. There are some kinds of examinations that they do not give to every member of the crew, up to and including the captain of a trans-Atlantic liner.



I do not think that any added power, as I read it—and I confess I have not been able to read it very carefully yet—is given by Senator King's amendment. I rather think we have sufficient power for the Public Health Service as it stands.

Senator COPELAND. Is it exercised?

Mr. CURRAN. I would rather have a doctor answer that.

The CHAIRMAN. I have understood that the power resides in the Secretary of Labor and that the whole question is just this: That the department does not exercise the regulatory power that a good many people think ought to be exercised, and they want to have us put in statutory form certain regulations which they believe the department ought now to exercise.

Senator REED of Pennsylvania. Ought we not to hear from the Public Health Service about it?

Senator KING. Is there any other point that you would like to stress?

Mr. CURRAN. If I am not out of order, I would like to say just a word about this overpayment proposition. I am very strongly opposed to it, but I can not state my reason in a moment. There is at present the existing discrimination in favor of the customs inspector, who benefits by this; but that is wrong and it should be abolished and taken away. I think this is a case where two wrongs do not make one right.

In the first place, the inspector must look to the steamship company for payment—

Senator REED of Pennsylvania (interposing). The amendment provides that payment is made by the Government, and the Government gets the money from the steamship companies.

Mr. CURRAN. That is a method of payment going through two wickets in place of one. Practically every inspector knows he is dependent upon the favors of the steamship companies to a certain extent. The more pay attached to the longer hours will not result in better inspection; the exhaustion is the same.

I have been working as hard as I can to get the steamship companies—and so far they have been cooperating with me—to bring their ships in by daylight and not to bring them in so late in the afternoon that we must examine passengers right up to midnight.

The Ellis Island force consists of 500 men and women. This overtime provision will eventually benefit 30 out of 500 and grossly discriminate against 470. It will create bitterness. It will create a twilight zone of loyalty. There should be one boss, and that should be the Government.

I think it is a thoroughly bad thing. I hope it will not go through. I can not see any good coming out of it in any way.

The salaries should be increased; we all know that. I assume that is coming when the time is ripe. But this is not the way to do it, to increase the pay of 30 of them against 470 whose pay will not be increased, the increase to come out of the pockets of the steamship companies, with whom we should be at arm's length.

Senator REED of Pennsylvania. I think the amendment is not limited to the 30. It applies to all persons.

Mr. CURRAN. Practically speaking, it will be limited to 30. The other divisions of my force—there are about a dozen divisions—will

not be paid overtime because of that. It will be only the men who go aboard the ships. The rest will not get the overtime.

Senator REED of Pennsylvania. Do you not think that the men who go aboard the ships and are compelled to work into the night and on Sundays and holidays ought, from some source, to receive extra pay for it, or ought to have sufficient salary to take that into consideration?

Mr. CURRAN. By all means. I think they are underpaid.

Senator REED of Pennsylvania. They will average over 200 hours of overtime work in a month?

Mr. CURRAN. In a rush season. There is a peak and a lull. You may not have the figures for the whole year. However, it is very difficult work that they do.

Senator KING. How are they paid now if they work more than eight hours a day?

Mr. CURRAN. They are paid in annual salary, no matter how long or how short their work is.

Senator KING. Do they, on the average, work more than eight hours a day, six days a week?

Mr. CURRAN. I think they do. I would like to be armed with the exact figures. I know they do in a rush season.

Senator KING. I mean for the whole year.

Mr. CURRAN. I do not want to answer that unless I am dead sure.

Senator REED of Pennsylvania. I can give the Senator the exact figures; they were put in in the House.

The CHAIRMAN. The committee will now go into executive session.

(Whereupon, at 11.45 o'clock a. m., the committee went into executive session.)